CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

Th21a &Th21b

6-14-0691-A1 AND 6-15-0223-A2

(CHILDREN'S POOL)

JUNE 13, 2019

CORRESPONDENCE

Table of Contents

Letters of Support
Letters of Opposition

THE CITY OF SAN DIEGO

COUNCIL PRESIDENT PRO TEM BARBARA BRY

FIRST DISTRICT

20 May 2019

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

RE: CDP Application No. 6-14-0691 A-1 (closure) and CDP Application No. 6-15-0223 A-2 (rope)

Dear Commissioners:

I respectfully request that you support the ten-year proposal for the harbor seal pupping season closure of Casa Beach / Children's Pool in La Jolla from December 15 through May 15 each year and continue to require the guideline rope for the rest of the year when the beach is open.

The seasonal closure has reduced seal harassment during the pupping season and continues to allow the unique viewing experience for locals and tourists. Harbor seal pups and their mothers are able to thrive in a natural environment free of harassment during this critical time.

The guideline rope has been successful in reducing human-pinniped interaction. Without the rope, people get too close to the seals and often try to pet and take selfie photos with them. This results in the seals being scared off the beach, often, with their escape route to the ocean being blocked.

Historically, the San Diego City Council and Mayor have overwhelmingly supported both policies. The California Coastal Commission has voted unanimously three times (2012, 2014 and 2015) to maintain these protections during the past five years.

In conclusion, I urge you to support the ten-year proposal for the harbor seal pupping season closure of Casa Beach/Children's Pool in La Jolla annually from December 15 through May 15, and preserving the guideline rope when the beach is open. This proposal balances human coastal access and animal habitat protection.

Sincerely,

Barbara Bry

Barbara Bry
Council President Pro Tem

202 C STREET, MS 10A • SAN DIEGO, CALIFORNIA 92101
(619) 236-6611 • EMAIL: BARBARABRY@SANDIEGO.GOV

From:	PAMELA SLATER-PRICE
To:	ChildrensPool@Coastal
Subject:	Approve the 10-year renewal of the La Jolla Seals Protections
Date:	Sunday, May 19, 2019 2:19:53 PM

Dear Coastal Commissioners,

As a 20 year county supervisor for the district that included most of the coast and La Jolla as well, I've been a strong advocate for the seal rookery in La Jolla. There are plenty of great beaches in La Jolla as well as neighboring communities like Pacific Beach and Del Mar. Humans are increasingly impacting wildlife for the worse and we need to take responsibility for our destructive actions. Saving this wonderful rookery once and for all will be a major step forward. And the residents and tourists love the seals! The seals increase coastal use and acquaint many who may not otherwise visit the coast. Therefore, I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.

Sincerely,
Pam Slater-Price
San Diego County Supervisor
1992-2013

THE HUMANE SOCIETY
OF THE UNITED STATES

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Melody Lasiter
Coastal Program Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite103
San Diego, CA 92108-4402
(619)767-2370

May 20, 2019.

Re: Children's Pool Beach Guide Rope: [6-14-0691-A1] and [6-15-0223-A2]

Dear Ms. Lasiter and Commissioners,

On behalf of the members and constituents of The Humane Society of the United States (The HSUS) and, in particular, our members in the greater San Diego area I am writing to support a 10 year continuation of the seasonal closure of Casa Beach in La Jolla from December 15 of each year through May 15 of the following year. The 5-month closure provides for the beach to be chained to prevent public entry. This closure helps to prevent conflict between the public and the vulnerable seal colony that uses the urban beach for pupping and a haul out area (which allows them to rest and warm themselves after the adults return from foraging offshore). [6-14-0691-A1] We also support an amendment to the permit to re- authorize use of a 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs to encourage a buffer between humans and harbor seals at Children's Pool Beach.[6-15-0223-A2]

As you are aware, this beach has been a key pupping area for harbor seals for decades. Their year-round use of this area is widely appreciated by the public which flocks there year after year to view seals resting along the shore. The seals and their young on Casa Beach provide a unique opportunity for the public to learn about these fascinating animals and to develop a respect for California's coastal wildlife. The HSUS is a strong supporter of allowing the public to view wildlife in their natural habitats in a responsible manner. However, this viewing must assure that mother-pup bonding is not disrupted, nor the public safety put at risk.

The use of the beach by seals has not appreciably degraded beach or water quality and, when they are in use; the guide ropes have been largely effective in maintaining a safe and responsible distance between resting seals and an enthusiastic public.

<u>There Has Been No Substantive Degradation of the Water Quality at Children's Pool</u>

A recent presentation by the city to the California Coastal Commission (CCC) concluded that "[w]hile bacteria is present in the sand and may contribute to the

SEAL CONSERVANCY

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www.sealconservancy.org

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HANNELORE CICCARELLI
SECRETARY

MICHAEL GOLD
TREASURER

May 16, 2019

RECEIVED
MAY 20 2019
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Kanani Leslie, Senior Coastal Analyst
California Coastal Commission, San Diego District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92103

RE: File No. 6-14-0691 A1 and File No. 6-15-0223 A2

Dear Coastal Commissioners,

We urge you to support the 10-year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year") and CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs") to protect the La Jolla Harbor Seals.

The seasonal beach closure has reduced seal harassment to zero during the pupping season while reducing police calls by 89.1%[1] with no citations issued at all[2]. The closure restored the calm needed for the seals to give birth and nurse their pups in a natural environment free of human harassment during this critical time, while maintaining the unique viewing experience that remains open for all locals and tourists alike to enjoy.

The guideline rope has been successful in preventing human harassment of the harbor seal colony during the non-pupping-season months, reducing flushing incidents by 97.7%[3]. Without the rope, people often get too close to the seals. They will scare them by attempting to pet them, or trying to take selfies with them, surrounding the seals and blocking their escape route to the ocean.

Together, these two permits are an elegant and effective compromise which balance human coastal access and animal habitat protection while maintaining this unique and special coastal resource.

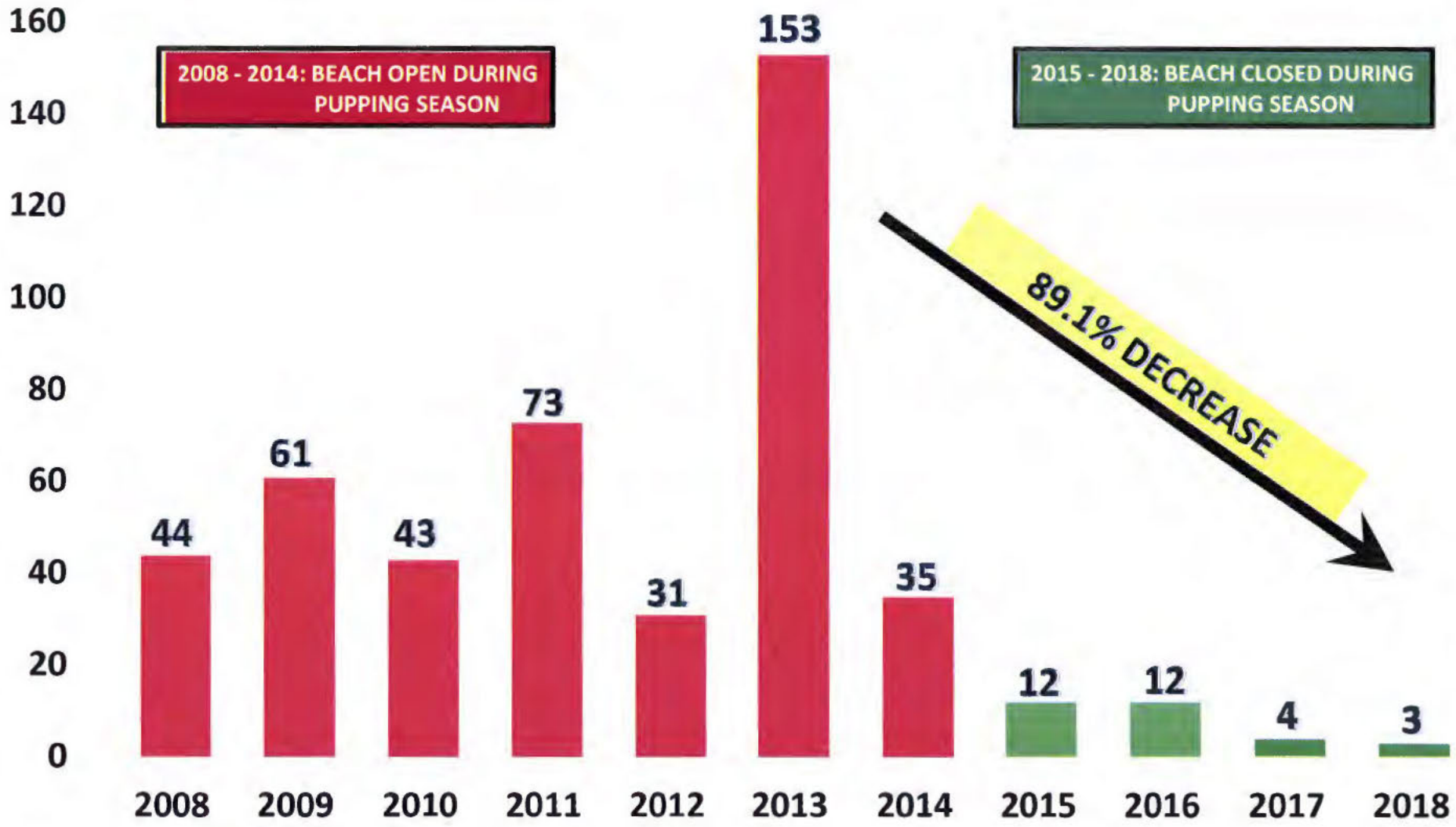
Sincerely,

Jane Reldan, MD

Jane Reldan, MD
President

1. See https://sealconservancy.org/documents/Police_Calls_Down_89_Percent.pdf
2. Per City of San Diego Ranger Richard Belesky
3. See https://sealconservancy.org/documents/Seals_Flushed_Rope_vs_No_Rope.pdf

Seal-Related Calls to San Diego Police Department During Pupping Season by Year



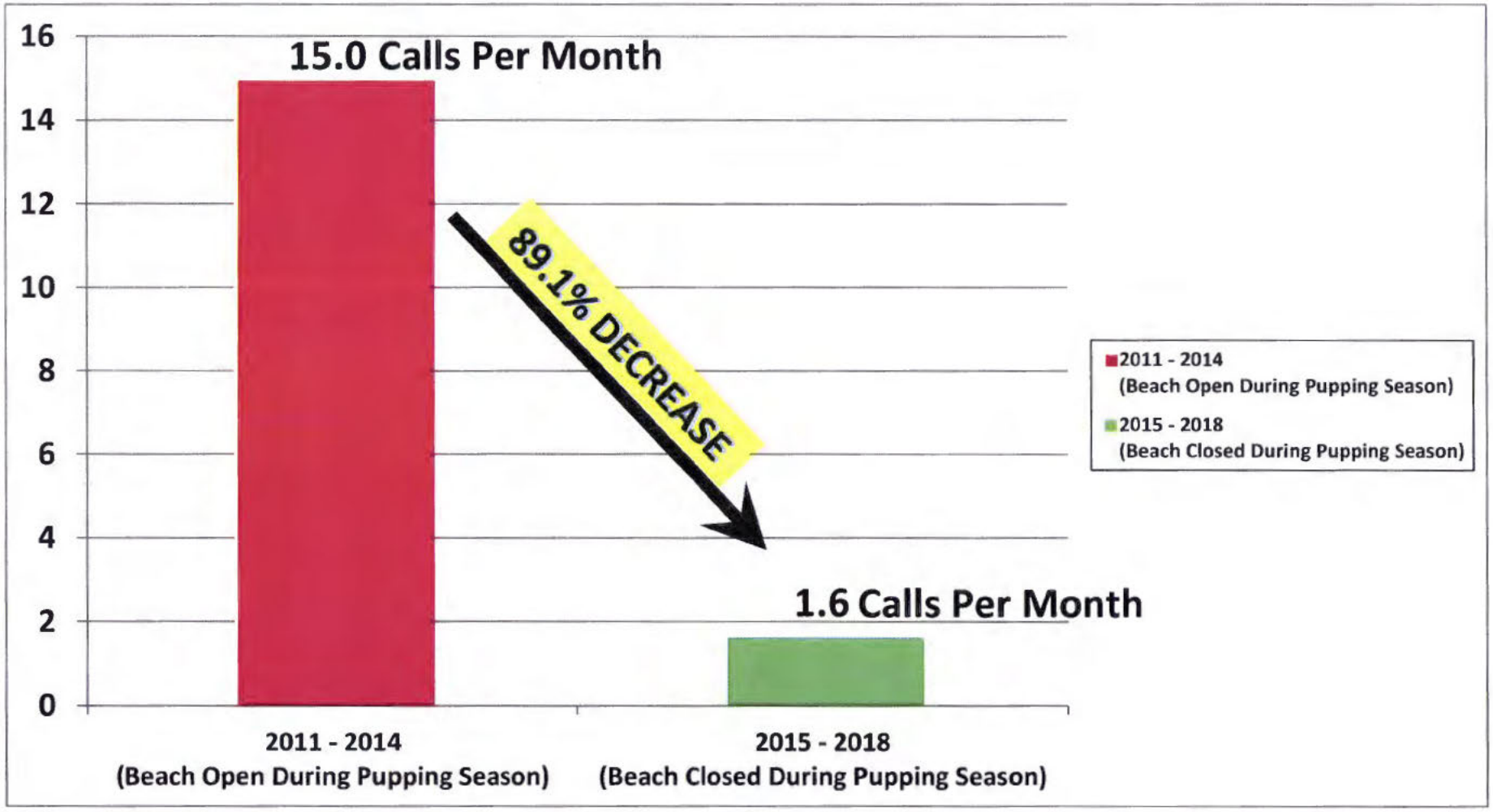
89.1% Reduction in Number of Seal-Related Calls to SDPD when Casa Beach is Closed During Pupping Season

Source: Public Records Requests to San Diego Police Department. See https://sealconservancy.org/documents/Police_Calls.pdf for complete data.

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Average Number of Seal-Related Calls Per Month to the San Diego Police Department During Pupping Season

2011 - 2014 (Beach Open During Pupping Season)
vs.
2015 - 2018 (Beach Closed During Pupping Season)

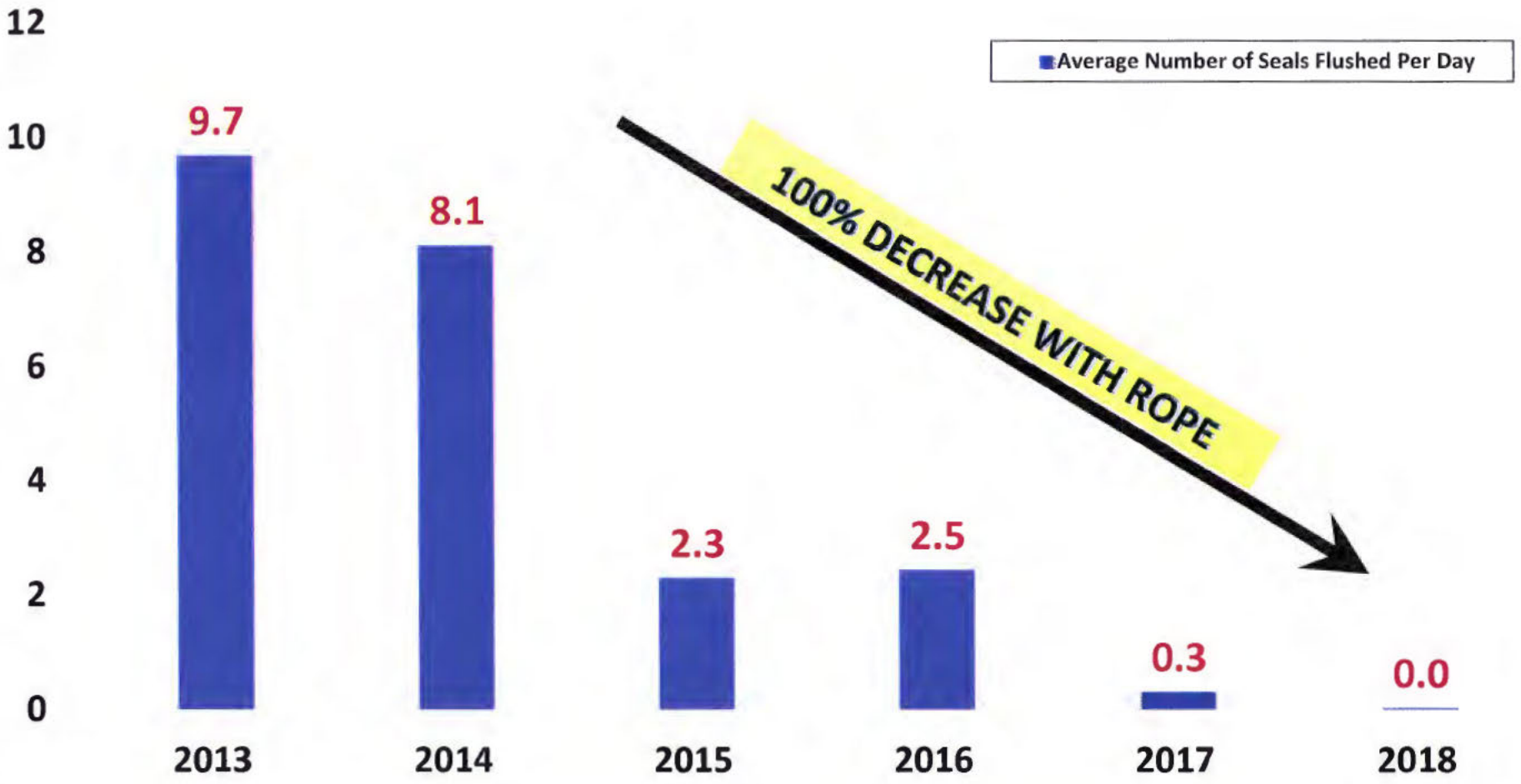


Source: Public Records Requests to San Diego Police Department. See https://sealconservancy.org/documents/Police_Calls.pdf for complete data.

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Average Number of Seals Flushed Per Day

September 1 to December 15



100% Reduction in Average Number of Seals Flushed Per Day when the Guideline Rope is Installed

See https://sealconservancy.org/documents/Seals_Flushed_Rope_vs_No_Rope.pdf to view the source data.

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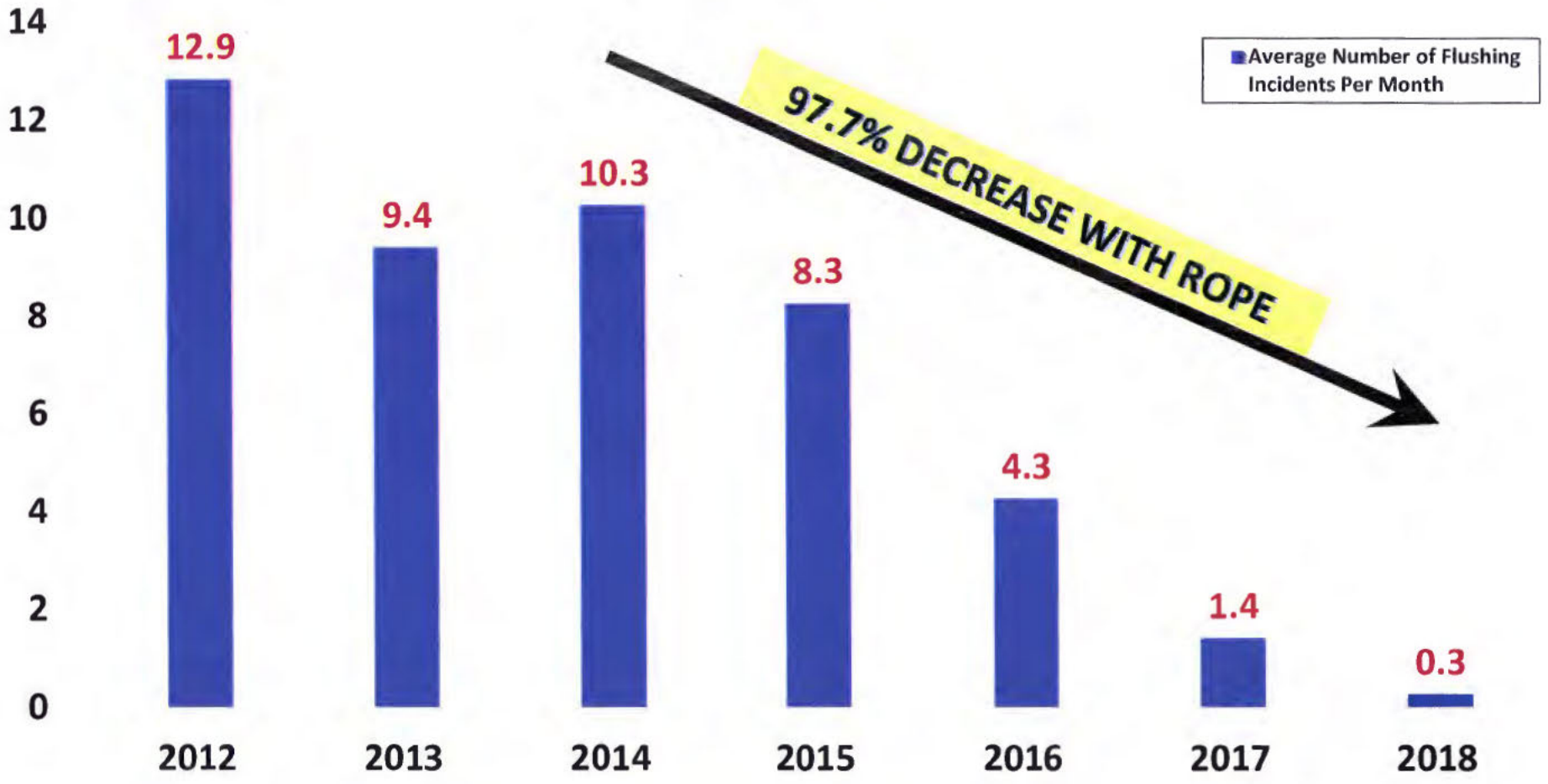
Sept 1 - Dec 15 Average Number of Seals Flushed Per Day 2012 - 2018: Rope vs. No Rope

Time Period	Year	Rope Up?	Total Number of Days	Total Number of Seals Flushed	Average Number of Seals Flushed Per Day
Sep 1 - Dec 15, 2012	2012	No	105	1,048	10.0
Sep 1 - Dec 15, 2013	2013	Yes	105	1,019	9.7
Sep 1 - Dec 15, 2014	2014	Yes	105	854	8.1
Sep 1 - Dec 15, 2015	2015	Yes	105	243	2.3
Sep 1 - Dec 15, 2016	2016	Yes	105	258	2.5
Sep 1 - Dec 15, 2017	2017	Yes	105	34	0.3
Sep 1 - Dec 15, 2018	2018	Yes	105	4	0.0

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Average Number of Flushing Incidents Per Month

September 1 to December 15



97% Reduction in Flushing Incidents when the Guideline Rope is Installed

See https://sealconservancy.org/documents/Seals_Flushed_Rope_vs_No_Rope.pdf to view the source data.

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Sept 1 - Dec 15 Average Number of Flushing Incidents Per Month 2012 - 2018: Rope vs. No Rope

Time Period	Year	Rope Up?	Total Number of Months	Total Number of Flushing Incidents	Average Number of Flushing Incidents Per Month
Sep 1 - Dec 15, 2012	2012	No	3.5	45	12.9
Sep 1 - Dec 15, 2013	2013	Yes	3.5	33	9.4
Sep 1 - Dec 15, 2014	2014	Yes	3.5	36	10.3
Sep 1 - Dec 15, 2015	2015	Yes	3.5	29	8.3
Sep 1 - Dec 15, 2016	2016	Yes	3.5	15	4.3
Sep 1 - Dec 15, 2017	2017	Yes	3.5	5	1.4
Sep 1 - Dec 15, 2018	2018	Yes	3.5	1	0.3

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Sept 1 - Dec 15 Flushing Incident Comparison 2012 - 2018: Rope vs. No Rope

Date	Time	Day of Week	Observer Name	# SEALS FLUSHED	Notes
09/06/2012	07:00	Thursday	Claudia	80	
09/07/2012	07:00	Friday	Claudia	65	
09/08/2012	07:00	Saturday	Claudia	30	
09/10/2012	14:30	Monday	Jane R.	28	
09/16/2012	07:00	Sunday	Claudia	8	
09/16/2012	08:30	Sunday	Claudia	21	
09/16/2012	09:15	Sunday	Claudia	7	
09/18/2012	07:45	Tuesday	Claudia	26	
10/15/2012	17:30	Monday	Jane R.	2	
10/15/2012	17:45	Monday	Jane R.	2	
10/20/2012	14:00	Saturday	A1	10	
10/21/2012	11:00	Sunday	A1	60	
10/21/2012	12:00	Sunday	A1	6	
10/22/2012	09:00	Monday	A1	8	
10/22/2012	16:00	Monday	A1	10	
10/23/2012	09:00	Tuesday	A1	65	8:40a - Lifeguard carried large surfboard to beach and leaned it against the wall at bottom of steps. More than half of the seals (about 65) left the beach. Surfboard remained there all day.
10/24/2012	09:00	Wednesday	A1	30	
10/24/2012	16:15	Wednesday	A1	50	
10/27/2012	08:00	Saturday	A1	30	
10/27/2012	09:00	Saturday	A1	10	
10/27/2012	13:00	Saturday	A1	1	
10/27/2012	14:00	Saturday	A1	1	
10/28/2012	09:00	Sunday	A1	50	
10/29/2012	09:00	Monday	A1	30	
10/30/2012	09:00	Tuesday	A1	20	
10/30/2012	15:00	Tuesday	A1	4	
10/31/2012	08:00	Wednesday	A1	25	
10/31/2012	11:00	Wednesday	A1	65	
10/31/2012	14:00	Wednesday	A1	15	
11/03/2012	10:00	Saturday	A1	70	

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Sept 1 - Dec 15 Flushing Incident Comparison 2012 - 2018: Rope vs. No Rope

Date	Time	Day of Week	Observer Name	# SEALS FLUSHED	Notes
11/21/2012	08:27	Wednesday	JR/A1A/SK	20	
11/24/2012	07:00	Saturday	A1	2	
11/24/2012	09:00	Saturday	A1	6	
11/24/2012	19:30	Saturday	JR & A2	20	
11/25/2012	08:30	Sunday	GMN	9	
11/25/2012	10:00	Sunday	GMN	4	
11/26/2012	08:00	Sunday	A1 & JR	8	
11/28/2012	09:30	Wednesday	JR & A1A	2	
11/28/2012	10:15	Wednesday	JR & A1A	30	
11/30/2012	15:17	Friday	RW & JR	3	
12/02/2012	16:30	Sunday	Jane R.	17	
12/08/2012	11:35	Saturday	Jane R.	23	
12/09/2012	17:00	Sunday	Jane/Marilies	7	
12/13/2012	14:45	Thursday	Marilies	19	
12/15/2012	04:00	Saturday	AK	49	
Total Seals Flushed 9/1/12 to 12/15/12:				**1,048**	
Total Flushing Incidents 9/1/12 to 12/15/12:				**45**	
09/04/2013	21:00	Wednesday	Deb	20	I dropped by the beach around 9:00 pm. Three divers were in the water just outside the pool with very bright lights flashing them all over, speaking loudly and laughing. When they came into the pool they shone their lights on the beach and caused a group of about 20 seals to flush.
09/10/2013	07:10	Tuesday	Roxann	30	7:10am - I accidentally flushed 30 seals.
09/14/2013	06:55	Saturday	Deb	17	6:55am - 17 seals flushed by tourist slapping shoes together to get sand off of them.
09/14/2013	08:40	Saturday	Deb	9	8:40am - A car pulled up near lifeguard trailer and revved engine several times, loudly, 9 seals flushed.
09/14/2013	11:00	Saturday	Jane R.	32	11:00am - Bob Ewing set up 2 chairs and closed umbrella, flushed 32 seals from east end.
09/16/2013	07:05	Monday	Roxann	12	7:05am - 1 fisherman on wall flushed some seals (about 12); most returned within a few minutes.
09/23/2013	06:45	Monday	Roxann	45	6:45am - 45 Seals flushed because of city's blower machine

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Sept 1 - Dec 15 Flushing Incident Comparison 2012 - 2018: Rope vs. No Rope

Date	Time	Day of Week	Observer Name	# SEALS FLUSHED	Notes
09/25/2013	15:30	Wednesday	Ranger Rich	25	3:30pm - 25 year old white male crossed rope, walked towards 40 seals, got to within 10 feet of them at which point he flushed 25 of 40 seals.
09/27/2013	06:50	Friday	Roxann	50	6:50am - 50 seals flush because of lady posing on the beach. A lady went down to the beach right behind rope (did not pass the rope) laid down posing so that her husband could take a picture. The moment she went on the sand & started posing at least 50 seals flushed.
09/28/2013	07:20	Saturday	Jane	12	7:20am - 12 seals flush due to female diver carrying big duffle bag.
09/28/2013	08:05	Saturday	Tamara	5	8:05am - John Leek crossed rope on the east side, causing 5 seals to flush.
10/03/2013	09:40	Thursday	Roxann	50	9:40am - A family went to rope line, causing about 50 seals to flush.
10/04/2013	08:50	Friday	Roxann	65	8:50am - A huge flush (65 seals) occurred when a dog jumped over the wall by the bench.
10/05/2013	08:10	Saturday	Ranger Rich	20	8:10am - Man walked on to beach behind rope, flushed 20 of 80 seals.
10/12/2013	07:18	Saturday	Ranger Rich	100	7:18am - 1 male, 1 female, lobster flishermen / snorklers exited water at mid-beach, flushing 100 of 220 seals.
10/13/2013	18:15	Sunday	Deb	23	6:15pm - There were three fishermen and two young guys with lobster traps on lines in the pool at the end of the seawall. One of the lobster fishermen pulled a trap out of the water, while the other one threw seaweed from a bucket into the pool. 23 seals flushed.
10/25/2013	08:40	Friday	Ranger Rich	80	8:40am - 2 snorklers exited water at mid-beach, walking right through the seals, flushing all 80 of them.
11/02/2013	11:25	Saturday	Pam	7	11:25am - Three more divers arrived. Caused a flush of 7 seals when they were swimming close by.
11/03/2013	16:00	Sunday	Deb	13	4:00pm - Seaworld rescued adult seal (black with white spots) with rope around neck. They were able to catch seal in a net, and cut off rope, and then release seal. 13 seals flushed.
11/03/2013	12:25	Sunday	Ranger Rich	10	12:25pm - White female about 65 years old crossed rope and walked to water, about 50 feet from closest seal, flushing 10 of 80.
11/03/2013	12:57	Sunday	Ranger Rich	35	12:57pm - Man pulled hoop net out of water from end of breakwater, flushing 35 of 62 seals.
11/04/2013	14:25	Monday	Ranger Rich	80	2:25pm - D. Johnson swam in to Pool, flushing 80 of 175 seals.
11/07/2013	14:00	Thursday	Nancy	2	2:00pm - (Nancy) There was a group of people from Italy picking up stones off the seawall & throwing them at the seals. They flushed 2 pups .

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Sept 1 - Dec 15 Flushing Incident Comparison 2012 - 2018: Rope vs. No Rope

Date	Time	Day of Week	Observer Name	# SEALS FLUSHED	Notes
11/09/2013	08:48	Saturday	Lisa	61	8:48am - Lifeguard flushed 61 seals by banging his paddle board. About 15-20 onlookerss told him to stop and expressed outrage.
11/14/2013	08:30	Thursday	Roxann	60	8:30am - Fighting seagulls scared seals & flushed about 60 of them.
11/17/2013	08:30	Sunday	Tamara	6	8:30am - small flush (6) when 2 people went down to take pictures.
11/24/2013	12:10	Sunday	Pam	8	12:10pm - 2 swimmers came in from the cove & caused a flush of 8 seals.
11/24/2013	12:07	Sunday	Ranger Rich	9	12:07pm - 2 unknown swimmers swam in to Pool and then swam out without coming ashore, flushing 9 of 10 seals.
11/25/2013	07:50	Monday	Roxann	30	7:50am - Accidental flush when photographers light screen fell off seawall & dropped in ocean. The guy was very apologetic.
11/26/2013	08:00	Tuesday	Roxann	25	7:30am - 25 flushed because of city worker cleaning trash by gazebo (Unintentional).
12/02/2013	14:23	Monday	Ranger Rich	18	2:23pm - Lifeguard rescue boat approached to within 50 feet of breakwater tip, flushing all 18 seals.
12/14/2013	09:15	Saturday	Pam	20	9:15am - Flush by 3 divers who were informed of the risk of a flush before they continued on down the stairs
12/14/2013	11:30	Saturday	Ranger Rich	40	11:30am - 3 divers exited water 100 feet from closest seal, flushing 40 of 65.
Total Seals Flushed 9/1/13 to 12/15/13:				**2,274**	
Total Flushing Incidents 9/1/13 to 12/15/13:				**45**	
09/11/2014	08:30	Thursday	RG	73	Possibly left due to construction tremors
09/12/2014	07:40	Friday	RG	40	A paddle boarder went by outer edges of ocean alerted 40 seals west side & they took off around 7:20am
09/16/2014	08:00	Tuesday	Rich	40	Jogger ran across beach behind rope, causing 40 of 90 seals to flush.
09/18/2014	08:30	Thursday	RG	40	A lady walked down stairs to pony wall and since it was high tide it alerted all east side and the seals took off.
09/20/2014	06:40	Saturday	TM	100	Flush due to SW rescue on east side of beach
09/20/2014	19:25	Saturday	Ellen	12	People on seaward side of rope as the seals began to swim close to shore. One family remained on the seaward side until about 7 15 pm. As they began to leave, the adult male strode down to waters edge to rinse feet to put shoes on, causing 12 seals to flush.
09/21/2014	11:15	Sunday	Deb	9	Bird landed on sub rock and scared the seal. The other seals on west rock followed.
09/22/2014	07:45	Monday	RG	40	Construction banging cement

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Sept 1 - Dec 15 Flushing Incident Comparison 2012 - 2018: Rope vs. No Rope

Date	Time	Day of Week	Observer Name	# SEALS FLUSHED	Notes
09/25/2014	07:50	Thursday	RG	41	2 snorklers came in near edge if seawall around corner alerted west side. Waved for snorklers to go back & they left.
10/1/2014	14:27	Wednesday	Rich	25	3 spearfishermen entered water at mid-beach, flushing 25 of 55 seals.
10/05/2014	11:00	Sunday	Pam	25	Diver entered water on east side and caused a flush
10/6/2014	13:38	Monday	Rich	2	Large male sea lion climbed on to sea wall rock from water, scaring last 2 harbor seals in to the water.
10/7/2014	13:31	Tuesday	Rich	5	Man walked on to seawall rock towards seals; 5 of 7 on rock flushed.
10/8/2014	8:00	Wednesday	Rich	40	Woman crossed rope to remove lobster trap from beach, flushing 40 of 140 seals.
10/11/2014	18:30	Saturday	Ellen	6	At 6:30 pm, Two divers entered water in middle. 2 seals on west side fled into water and 4 seals on submarine rock left. 3 remained on rock.
10/14/2014	07:40	Tuesday	RG	20	Seals flushed with construction
10/17/2014	08:30	Friday	Rich	20	Man crossed rope to get close photo of seals, flushing 20 of 115.
10/17/2014	11:45	Friday	RG	2	2 seals flushed during a rescue.
10/21/2014	13:21	Tuesday	RG	10	Lots of seals coming onto beach Lobster trap floating off of Casa Beach - huge clump of seaweed tangled up into a large lobster trap Adult seal - tagged with maybe a rope scar? 1 obviously pregnant seal Marine bio there Ranger showed up at 2 pm to take a seal count and then went and sat in green gazebo.Several small flushes occurred - one caused by a pelican flying onto the little rock offshore and flushing a pup into the water, which flushed 5 seals on the beach. A seal playing on the beach and moving around (you know the one) caused 4 seals to flush.
10/21/2014	13:47	Tuesday	Nancy	4	1 elephant seal 83 seals 3 people crossed the rope, but came back when requested (Bill was advising people up top that it was okay to cross the rope even though seals were completely across the beach.) seal playing on the beach flushed 4 seals Seals comin

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Sept 1 - Dec 15 Flushing Incident Comparison 2012 - 2018: Rope vs. No Rope

Date	Time	Day of Week	Observer Name	# SEALS FLUSHED	Notes
10/22/2014	07:23	Wednesday	RG	25	20-30 left with construction hammering the rest all naturally left with super duper waves going past rope line
10/22/2014	12:52	Wednesday	Rich	30	Man crossed rope and approached seals, flushing 30 of 150
10/22/2014	15:15	Wednesday	Rich	3	3 young girls crossed rope and approached to 20 feet of seals at waterline, causing 3 of 80 to move away
10/26/2014	14:31	Sunday	Rich	1	25-year old male crawled under rope on his belly towards seal, about 15 feet away. Seal moved quickly away.
10/27/2014	08:25	Monday	RG	45	*** some seals east side about 15 took off with tide coming in. About 30 took off with a guy putting away his tripod making clicking sounds while a dog by bench non stopped barked. The tide was also coming in.
10/27/2014	14:30	Monday	RG	40	Earlier around 2:30pm got 2 reports a lifeguard zipped his jet ski in Casa & flushed around 40. I'll chat with supervisor and ask why jet skis are even allowed in area when there are no rescues.
11/09/2014	08:04	Sunday	TM	5	Jogger on beach caused flush
11/09/2014	14:25	Sunday	Rich	6	2 girls crossed rope and approached seals, 6 of 60 moved away.
11/09/2014	15:56	Sunday	Rich	20	Male snorkler swam into Pool about 20 feet from breakwater tip, flushing 20 of 57 seals.
11/10/2014	11:58	Monday	Rich	30	3 spearfishermen entered water on cliff side of beach, about 100 feet from seals, flushing 30 of 63.
11/11/2014	10:19	Tuesday	Rich	2	Man crossed rope to get photo taken with seals. 2 seals moved away.
11/16/2014	13:45	Sunday	Rich	4	8 beachgoers walked on to southwest rock to view seals; 4 seals flushed.
11/19/2014	12:30	Wednesday	Nancy	10	Saw 2 mini flushes - one guy with a young squealing child on the sea wall caused 4 seals to flush off the rocks next to the sea wall, which put the seals on the beach on high alert. 6 more seals on beach flushed for no known reason.
12/05/2014	09:30	Friday	Rich	24	2 spearfishermen entered water near cliff side of beach, flushing 24 of 47 seals.
12/07/2014	08:15	Sunday	Tamara	30	Jogger crossed rope and flushed all seals running across beach
12/8/2014	15:10	Monday	Rich	25	Man in wetsuit and mask/fins/snorkler entered water about 100 feet from seals, flushing 25 of 60.
Total Seals Flushed 9/1/14 to 12/15/14:				**854**	
Total Flushing Incidents 9/1/14 to 12/15/14:				**36**	

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Sept 1 - Dec 15 Flushing Incident Comparison 2012 - 2018: Rope vs. No Rope

Date	Time	Day of Week	Observer Name	# SEALS FLUSHED	Notes
9/6/2015	19:30	Sun	LM	2	Man in orange shirt repeatedly approached me while I was trying to clear a small portion of the beach, shouting "what right do you have to tell these people that they cannot use this public beach, as three seals made repeated passes at the beach, and the people moved in closer for photos and to try to pet the seals. A woman was there as well wearing A brown shirt that said friends of the seals or friends of seal beach-not as antagonistic. Ultimately cleared 1/3 of the beach, wondering if worth the agony- perhaps should just wait til sunset. Orange shirt man walked back and forth to prevent the seals from coming ashore and resting thereby stating that people can still be there. Please advise of policy and his entourage better handle this situation without it escalating. I think we should always docent in Pairs.
9/12/2015	7:50	Sat	Zach	19	A selfie taking tourist approached the seals until all 19 on the beach eventually flushed. The seals on the rocks remained.
9/15/2015	15:35	Tue	Rich	5	Mother and daughter crossed rope and walked along cliffside. Their activity at the waterline flushed 5 of 37 seals about 120 feet away. Instructed both to move back behind rope.
9/16/2015	14:10	Weds	Rich	6	Woman crossed rope and approached seals. 6 of them flushed. Contacted woman, who was a visitor from Brazil. She followed instructions.
9/19/2015	7:55	Sat	Zach	25	A gentleman caused a flush of around 26. He was going out to fish off the sea wall. He stayed well behind the rope, almost on the fenceline. The flush was not his fault. The seals must not have liked his gear(pole and bucket)
9/20/2015	10:15	Sun	LM	3	As I stand here and out to be a bar and water all people all seals on some rain rock have Three seals already flushed, and it is inevitable that the rest of the seals will be flushed as soon as more and more people continue to arrive at Casa beach. I picked up a lot of trash this morning-pretty par for the course as to what I usually see on the beach. See attached photo that will be sent by email

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Sept 1 - Dec 15 Flushing Incident Comparison 2012 - 2018: Rope vs. No Rope

Date	Time	Day of Week	Observer Name	# SEALS FLUSHED	Notes
9/20/2015	11:30	Sun	LM	3	Water temp in this report and Pryor is approximate. Diver with full gear came between submarine rock and West rock and flushed remaining seals. I talk to him. I videotaped him. I really think it was unintended, and that he was uninformed/ignorant. All the seals could go out to seal rock, they appear to be being bombarded by snorkelers, who are approaching too closely and flushing them as well. I educated him that he had caused a flash, and that he was lucky that the Ranger is not present. He apologized profusely and said that he did not know. There is no sign of any ranger present. although the seals could go out to seal rock, they appear to be being bombarded by snorkelers, who are approaching too closely and flushing them as well. There is no sign of any ranger present.
9/21/2015	13:30	Mon	Rich	2	Woman crossed rope and approached 2 seals. Both flushed when she got to 10 feet of them. Contacted woman who was from Texas and had not read signs.
9/28/2015	13:20	Mon	Rich	5	Man entered water at mid-beach about 100 feet from 6 seals on seawall rock; 5 of them flushed.
9/29/2015	13:45	Tue	Rich	4	Woman crossed rope and approached seals; 4 flushed. Moved woman back.
10/4/2015	17:25	Sun	JR	5	1 lady visitor crossed the rope and walked to 15' from seals causinf 5 to flush. Observers disappointed.
10/6/2015	14:08	Tue	Rich	4	Spearfisherman exited water about 100 feet from sub rock. 4 of 6 seals were flushed.
10/13/2015	13:50	Tue	Rich	1	Boy approached 4 seals on seawall rock - 1 seal flushed. Ordered boy off rock.
10/19/2015	14:57	Mon	Rich	15	Man in wetsuit swam into Pool area, flushing 15 seals. Man swam back out.
10/24/2015	11:00	Sat	JG	31	31 seals flushed by John Leek and older lady waded
10/24/2015	11:12	Sat	JR	11	A man approached to 20' seaward of rope within 15' of seals to kneel down and photograph- rest flushed 0 left
10/25/2015	13:03	sun	Rich	21	3 young males in wetsuits crossed rope heading for water. They stopped when 21 seals flushed. Ordered them back and convinced them to swim elsewhere.
10/25/2015	14:45	sun	Rich	2	Man and woman crossed rope and approached seals - 2 flushed, 5 alerted. Ordered them back across rope.
10/26/2015	14:03	Mon	Rich	20	2 men crossed rope and entered water about 20 feet from closest seal; 20 flushed.
10/30/2015	6:25	Fri	JG	20	two tourists with a strong flashlight scared the seals but stayed behind ropes but over 20 flushed when they reached the beach area

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Sept 1 - Dec 15 Flushing Incident Comparison 2012 - 2018: Rope vs. No Rope

Date	Time	Day of Week	Observer Name	# SEALS FLUSHED	Notes
10/31/2015	8:30	Sat	JG	8	2 tourists seaside and flushed 8 seals
11/1/2015	9:15	Sun	JG	5	about 5seals flushed did not see anything that would have scared them on land or in sea
11/1/2015	14:10	Sun	Rich	1	A man was observed touching a seal - I went down to beach and had people move back.
11/5/2015	6:10	Thu	JG	8	39 seals seaside, 1 landside, 2 Italian guys stayed behind rope but 8 seals still flushed
11/5/2015	8:30	Thu	JG	2	footprints on sand to shore, antonette said swimmers entered pool and flushed them
11/24/2015	13:12	Tue	Rich	1	Observed boy climb over railing at tip of breakwater, climb down seawall on to seal rock causing last seals to flush, then ran on to beach scaring all gulls into the air. Made contact with 10 year old boy from Kansas who complied with my instructions.
11/28/2015	13:10	Sat	Rich	1	White male 45 years old climbed over railing on breakwater and forced resting sea lion pup on top step into the water. Contacted man, who claimed he thought the pup needed to be in the water. Ordered man to leave the area.
12/2/2015	12:43	Weds	Rich	7	Asian man, woman and child crossed rope and approached seals in sea cliff corner. 7 flushed. I ordered them back. Only woman spoke very limited English.
12/2/2015	15:00	Weds	Rich	6	Man crossed rope to approached 6 seals at sea cliff corner, all 6 alerted. Ordered man to back off.
Total Seals Flushed 9/1/15 to 12/15/15:				**243**	
Total Flushing Incidents 9/1/15 to 12/15/15:				**29**	
9/22/2016	16:18	Thu	Rich	14	2 adult males entered water about 30' from 42 seals on beach. 14 flushed. Swimmers swam off.
9/23/2016	8:00	Fri	VB	30	At 8:00 a.m. a flush of 30 plus seals was caused by the scraping and clanging of a park employee scooping sand up off the sidewalk outside the restrooms below the lifeguard tower. I spoke to the employee and he said he waited until 8:00 a.m. to remove the sand.
9/23/2016	14:00	Fri	JR	12	
10/2/2016	13:35	Sun	RIch	6	Male swimmer entered water about 100' from seals. 6 of 80 flushed.Male swam away.
10/12/2016	13:30	Wed	Rich	54	All 54 seals flushed when an unknown person on breakwater released a bunch of mylar balloons
10/12/2016	13:30	Wed	ES	49	Couple with 4 helium balloons dancing in the wind - first, movement scared seals and 9 flushed. All flushed few minutes later when the balloons were released.

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Sept 1 - Dec 15 Flushing Incident Comparison 2012 - 2018: Rope vs. No Rope

Date	Time	Day of Week	Observer Name	# SEALS FLUSHED	Notes
10/25/2016	14:45	Tue	Rich	2	Man and woman crossed rope and approached 68 seals. 2 flushed, 5 alerted.
10/26/2016	14:00	Wed	Rich	20	2 men crossed rope and entered water about 20' from closest seal. 20 of 60 flushed.
10/30/2016	13:10	Sun	Rich	15	Woman entered water about 100' from seals. 15 of 44 flushed.
10/31/2016	12:55	Mon	RIch	2	Man and woman crossed rope and walked to cliff corner of beach, about 50' from seals. 2 of 68 flushed and 15 moved.
11/14/2016	10:15	Mon	KO	1	
11/18/2016	16:15	Fri	JR	10	
11/20/2016	12:55	Sun	Rich	25	Two spearfishermen entered water along cliffside about 50 feet from closest seals, causing 25 of 125 to flush.
12/4/2016	14:30	Sun	Rich	8	Observed David Johnson swimming within Pool waters, causing a few seals to flush every few minutes.
12/4/2016	16:05	Sun	Deb	10	David Johnson seaward with handouts encouraging people to cross rope. Intermittent seals flushing.
Total Seals Flushed 9/1/16 to 12/15/16:				**258**	
Total Flushing Incidents 9/1/16 to 12/15/16:				**15**	
10/19/2017	13:45	Thu	Rich	15	Male swimmer exited water, flushing 15 of 90 seals.
10/19/2017	13:50	Thu	Rich	10	Man with young child walked towards seals, causing 10 to flush when 20' away.
11/15/2017	16:00	Wed	JR	4	1 woman with bucket at waterline collecting something from sand , was yelled at by visitors on the seawall"get back" as 3 seals flushed. Then Waggoner boy crossed rope and approached Seals causing another seal to flush
11/26/2017	14:50	Sun	JR	4	
12/2/2017	18:30	Sat	JR	1	
Total Seals Flushed 9/1/17 to 12/15/17:				**34**	
Total Flushing Incidents 9/1/17 to 12/15/17:				**5**	
9/1/2018	8:15	Tue	Roxy	4	20+ seals behind seawall. 1 ellie. City flushed seals when testing water from the seawall. 1 seal with line on right side of neck (approx 2 years old)
Total Seals Flushed 9/1/18 to 12/15/18:				**4**	
Total Flushing Incidents 9/1/18 to 12/15/18:				**1**	

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SIERRA CLUB
SAN DIEGO CHAPTER

May 22, 2019

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego 92108

Re: Application Nos. 6-14-0691-A1 and 6-15-0223-A2 (Children's Pool Closure and Rope Barrier)

Dear Commissioners:

On behalf of Sierra Club San Diego, we submit the following comments about the application of the City of San Diego to amend the permit terms to allow for the closure of Children's Pool beach during Harbor Seal pupping season and the installation of a rope barrier between the seals and humans for an additional 10 years.

We ask the Commission to renew the applications to close the beach during the 5-month pupping season and use of the guideline rope during the rest of the year.

Casa Beach, the only rookery south of Ventura County, 160 miles away, was officially designated as a Rookery in 2000 by the National Oceanic and Atmospheric Administration, which inherently confers certain protections. This includes the Marine Mammal Protection Act which provides protection against acts or intents of acts which cause or have the potential to cause injury or a disturbance in normal behavior.

Additionally, in 2009, California Senate Bill 428 (Kehoe) amended the uses of Casa Beach as defined by the 1931 land grant to the City of San Diego to include a "marine mammal park for the enjoyment and educational benefit of children" allowing it to be used as a marine habitat, giving the seals a legal right to reside on the beach.

To remove these protections would be counter to the law.

The city of San Diego's current management allows for "shared use" of the beach by people and seals. During the five months when the beach is closed, mother harbor seals have a safe and secure place in the months leading up to giving birth, a time to nurse and nurture the newborns, followed by the female recovery process and beginning of the mating season. The closure also provides time for the young to build up their strength, gain the necessary weight for insulation from the cold-water temperatures and improve their survival skills in the ocean habitat. During the seven months of "Open Beach", seals tend to spend more time in the deeper waters and less time on the beach, this when the water is warmer, and more people want to enjoy the summer beach for recreation.

During the five-year trial period, there have been considerably fewer public confrontations between those who want to repeal the current management plan of beach closure and those who support the closure as observed by Sierra Club San Diego Seal Society Docents and concurred by the rangers and lifeguards. Births have taken place in relative safety and the vital nurturing time has been free of human interference. The results have been that the seal population thrives.

If these protective permits are not approved, seal harassment will continue unabated. Experience has shown that when seals are harassed, they suffer from stress, fatigue, and malnutrition. This is especially true for mothers and pups. We know that when people get too close to harbor seals, the seals instinctively stampede into the water. Mothers become separated from pups which can result in abandonment and increased pup mortality.

Marine mammals are adversely affected by climate change, which causes warmer water, loss of habitat and decreased food supply. Toxic exposure to plastics, radiation, and a myriad of harmful chemicals present additional hazards. As top feeders in the kelp bed, seal waste contributes to the health of the ecosystem and enhances greater species diversity. Studies have shown that seal deposition contributes essential nutrients and bacteria important for the growth of marine and vegetation species in the food chain. The consequences of removing seals from their home and the results of human behavior altering seal behavior gravely and adversely affect the entire ocean ecosystem.

Over 1.5 million people including locals, visitors from across the United States and all over the world come to see the seal colony annually, possibly the closest place anywhere where marine mammals can be viewed in the wild. When Sierra Club San Diego Seal Society docents are on the beach educating visitors about the seals, we marvel at their appreciation for the enchanting view of the seal colony and for the education we provide.

We urge the Commission to preserve this special place where the seals are protected in their natural habitat and where all can enjoy the rare experience of watching them.

The seals will thank you too!!

Richard Miller
Chapter Director

Ellen Shively
Chair
Sierra Club San Diego Seal Society

Care2PETITIONS



Urgent! Deadline fast approaching! Vote to Protect the La Jolla Harbor Seals and their Pups!!

- by: Carol Archibald

363 SUPPORTERS

For the past five years, Casa Beach in La Jolla, home of the harbor seal colony, has been closed during the 5 months of Pupping Season so the pups could be born and nursed without human disturbance. The rest of the year the beach is shared by people and seals, though a guideline rope serves as a reminder for people to stand behind it and keep a safe distance from the seals.

Visitors come from all over the world, millions of them, to view the moms and pups as few sites offer this close panoramic view. It is a treasure that delights, educates, and brings us closer to nature and the animals who share our planet.

Without these protections, the colony and their pups would suffer terrible human harassment when people get too close to them. This has a deleterious effect on the moms and newborn pups, and may result in abandoned pups, malnutrition, stress, and increased pup mortality.

The California Coastal Commission (CCC) will vote on June 13th to maintain both beach closure and the guideline rope for a ten year period.

The opposition wants the seals gone and this small beach left to themselves year round, despite the seven other nearby beaches, and the dreadful effect their presence would inflict on the seal colony.

Please sign you name to tell the CCC to retain these protections for the seals and their pups during their critical pupping period and to maintain the guideline rope during the summer season. Please share this petition with your friends.

THE SEALS THANK YOU!!

363 SUPPORTERS

Austin C.
California
4 days ago
The seals are always pleasant to view at the La Jolla Cove
SEND
Skylar R.
California
4 days ago
The seals need a safe, protected place to give birth. The city of La Jolla greatly benefits from the ecotourism.
SEND
Lauri T.
California
5 days ago
SEND
name not displayed
California
6 days ago
Robert M.
Illinois
6 days ago
I'm an environmentalist in college at the moment.
SEND
Karina C.
California
7 days ago
Animals deserve respect and should have rights! We share the earth and nothing justifies hurting them
SEND
name not displayed
Mexico
7 days ago
Hablemos por aquellos que no pueden. Protejamos a un familia que nos necesita.
Gregor C.
California
7 days ago
SEND
name not displayed
California
7 days ago
Joanne H.
California
7 days ago
SEND
Marjan V.
Netherlands
7 days ago
SEND
Stephanie P.
Ontario
7 days ago
SEND
Ashley M.
New Mexico
7 days ago
No animals deserve this torture
SEND
Cahnstance G.
California
7 days ago
SEND
Erik V.
South Africa
7 days ago
I care deeply about conservation towards our planet and its inhabitants.
SEND

Erin O.
California
7 days ago
SEND
Maria Fernanda A.
Mexico
7 days ago
tengan piedad
SEND
María José A.
Mexico
7 days ago
More love. Less hate
SEND
Mandy S.
Ohio
7 days ago
SEND
Isabela B.
Costa Rica
7 days ago
SEND
Gargi D.
India
7 days ago
We need to save every bit of our planet Earth!
SEND
name not displayed
Pennsylvania
7 days ago
I have come to see them every year for the last 20 years. I now get to bring my children to see and enjoy them.
Kavinraj T.
India
7 days ago
SEND
name not displayed
Puerto Rico
7 days ago
Nature
Tasha T.
Arizona
7 days ago
These creatures need to left protected in their habitat so uneducated and careless people don't gravely harm them in order to get a "selfie" for the internet
SEND
Ruby M.
Queensland
7 days ago
SEND
Jonas H.
Germany
7 days ago
SEND
Fida M.
India
7 days ago
SEND
Philip H.
Oklahoma
7 days ago
SEND
Monica N.
California
7 days ago
SEND
name not displayed

California
7 days ago
To protect seals and their families!
name not displayed
United Kingdom
7 days ago
This is important because these animals deserve to live and have a good quality of life!
Bharath G.
India
7 days ago
Save nature and wild life
SEND
Gabriella B.
Germany
7 days ago
SEND
Diana Z.
Arizona
7 days ago
SEND
Kelly H.
California
7 days ago
ALL wildlife in danger needs our help, our voice. These seals deserve our help & conservation efforts to help them deliver their beautiful pups in a safe environment. Sure, many residents are annoyed because they paid a lot for their properties & want to use the beach but these animals graced this earth long before we did & they deserve our respect & consideration! The local owners should ENJOY this annual event & be thrilled that it brings so many animal lovers to the community.
SEND
name not displayed
India
7 days ago
Every life matters.
lida S.
United Kingdom
11 days ago
SEND
Pam C.
California
11 days ago
SEND
Louise B.
California
12 days ago
I feel the seals need to be protected and not bothered by people.
SEND
June O.
California
12 days ago
My family loves the seals!
SEND
Maria R.
California
12 days ago
For the futuro of my children
SEND
Alan T.
Illinois
19 days ago
We owe it to them
SEND
ingrid m.
Belgium
22 days ago
SEND
Julie L.
Indiana

a month ago
SEND
John K.
Texas
a month ago
SEND
Casey J.
United Kingdom
a month ago
All animals depend on us to help protect them. This is their world as much as it is ours.
SEND
andrea b.
United Kingdom
a month ago
SEND
abygail h.
United Kingdom
a month ago
SEND
name not displayed
United Kingdom
a month ago
Alicia K.
British Columbia
a month ago
SEND
Jo V.
New York
a month ago
SEND
Katerina K.
South Carolina
a month ago
SEND
Lanisha L.
United Kingdom
a month ago
I care for animals
SEND
Paul B.
Iceland
a month ago
We share this world and it's not our right to just decide to screw over the animal kingdom.
SEND
Amaani K.
United Kingdom
a month ago
SEND
Nicole A.
United Kingdom
a month ago
SEND
Andrea A.
Mexico
a month ago
I believe wildlife should be protected no matter what
SEND
Peter Z.
California
a month ago
SEND
I T.
United Kingdom
a month ago
SEND
name not displayed

Romania
a month ago
Greg R.
United Kingdom
a month ago
SEND
James O.
United Kingdom
a month ago
When there are several beaches nearby, there is no reason these seals should not be given the protection they deserve.
SEND
thyago a.
Brazil
a month ago
SEND
name not displayed
Ohio
a month ago
name not displayed
United Kingdom
a month ago
María Belén V.
Ecuador
a month ago
SEND
Amardeep R.
United Kingdom
a month ago
SEND
Shannon W.
United Kingdom
a month ago
SEND
name not displayed
United Kingdom
a month ago
Natalija R.
United Kingdom
a month ago
SEND
Sandra B.
Ontario
a month ago
SEND
Tina R.
California
a month ago
SEND
Beverley L.
United Kingdom
a month ago
Such beautiful animals that should be taken care of ❤
SEND
Anna J.
Denmark
a month ago
SEND
name not displayed
United Kingdom
a month ago
Tara S.
Oregon
a month ago
Protecting the seal population is important...there are several other beaches in the area that people can go to during the closures..i grew up going here
SEND

Ali B.
United Kingdom
a month ago
SEND
Don B.
United Kingdom
a month ago
We human have to understand that we have to share the planet and take care of the animals!
SEND
Samir C.
California
a month ago
SEND
John P.
California
a month ago
SEND
name not displayed
California
a month ago
Marissa B.
California
a month ago
SEND
Lilian P.
California
a month ago
Because every animal deserves to live
SEND
Sevana P.
California
a month ago
SEND
Muhammad Haikal R.
Malaysia
a month ago
SEND
Annie C.
New York
a month ago
SEND
name not displayed
Texas
a month ago
I've gone to the cove for many years and watching animals so pure be able to live their life without trouble is what life is about!
Obafemi I.
Florida
a month ago
To save innocent lives
SEND
Matthew K.
Missouri
a month ago
SEND
Prabath Menaka H.
Sri Lanka
a month ago
SEND
Reina J.
Texas
a month ago
SEND
Toby G.
California
a month ago

SEND
linda d.
California
a month ago
SEND
Laurie M.
Vermont
a month ago
SEND
yana d.
Ukraine
a month ago
SEND
Raleigh K.
Minnesota
2 months ago
SEND
Anna C.
Italy
2 months ago
SEND
Titti V.
Norway
2 months ago
SEND
name not displayed
Germany
2 months ago
I love seals and want to protect them!
Judy R.
South Australia
2 months ago
SEND
rebecca s.
California
2 months ago
SEND
Teresa W.
United Kingdom
2 months ago
SEND
Shanta B.
India
2 months ago
SEND
Lorry B.
United Kingdom
2 months ago
SEND
Edward L.
Colorado
2 months ago
SEND
carol m.
Illinois
2 months ago
SEND
Elizabeth W.
United Kingdom
2 months ago
SEND
Sandra S.
United Kingdom
2 months ago
SEND
Caglar A.

New York
2 months ago
I do like seals.
SEND
Helene B.
Ontario
2 months ago
SEND
Sally W.
United Kingdom
2 months ago
Justice for the seals
SEND
Veronica P.
United Kingdom
2 months ago
SEND
J P.
United Kingdom
2 months ago
SEND
David O.
United Kingdom
2 months ago
SEND
name not displayed
Ontario
2 months ago
April V.
California
2 months ago
SEND
Crystal M.
California
2 months ago
SEND
Carrie Z.
California
2 months ago
SEND
Gina F.
California
2 months ago
SEND
Anthony P.
California
2 months ago
I've witnessed first hand human harassment of the Seals every time I've visited Casa Beach. Please close the beach during pupping season to save what little wildlife San Diego has left! The better question is - Why isn't this important to you?
SEND
name not displayed
California
2 months ago
Gail M.
United Kingdom
2 months ago
SEND
Terrie P.
Wisconsin
2 months ago
SEND
Tara M.
New York
2 months ago
Because I live all animals. I can’t stand to see the videos of the poor animals being harassed by humans.
SEND

Rob M.
United Kingdom
2 months ago
SEND
name not displayed
Hawaii
2 months ago
I am shocked this hasn't happened already. Sab Diego can do better.
Maureen K.
Hawaii
2 months ago
SEND
Angela C.
California
2 months ago
SEND
Stephen A.
New York
2 months ago
SEND
Chanelle B.
Hawaii
2 months ago
We as humans need to show respect to other creatures we share the world with. This is their breeding spot and to think humans are more important and can do what they want, where they want, is insane.
SEND
Baerbel W.
Germany
2 months ago
We visited La Jolla and marvelled at the seal colony. Coming from a small island that is home to two species of seals (one also pupping there) and at the same time having lots of tourists I see that both for the animals and also tourism it is important to find a way to share the space and live together. Because of the need to have some peace on the beach that’s not possible if humans try to come to near to seals. Also that’s not safe for humans.
SEND
Diane S.
Illinois
2 months ago
SEND
Wendy F.
United Kingdom
2 months ago
SEND
Kerstin R.
Illinois
2 months ago
SEND
Seth M.
Spain
2 months ago
SEND
Jackie P.
New York
2 months ago
SEND
marie g.
France
2 months ago
SEND
Tierney C.
United Kingdom
2 months ago
SEND
Sandra K.
California
2 months ago

The seals need protection from people who don’t know how important it is to leave the moms and babies alone! I visit often and it is heartbreaking to see seal pups that have been abandoned because people scared the moms by getting too close. I have seen people touch the seals and even lay down next to a mom and pup just to get a selfie. Enough is enough!
SEND
Mark C.
United Kingdom
2 months ago
Protection long overdue
SEND
PennyB A.
Alberta
2 months ago
SEND
Aud n.
Norway
2 months ago
SEND
Jeannie N.
California
2 months ago
The seals in La Jolla are being abused and mistreated. This is a clear violation of the law with no respect for these sweet babies.
SEND
Peggy B.
Ohio
2 months ago
SEND
gary k.
United Kingdom
2 months ago
SEND
Carol B.
Netherlands
2 months ago
SEND
Anne M.
France
2 months ago
SEND
name not displayed
New York
2 months ago
Jennifer S.
Switzerland
2 months ago
SEND
Kimberly L.
Hawaii
2 months ago
SEND
Antoinette G.
California
2 months ago
SEND
Joann H.
Florida
2 months ago
SEND
Chris M.
Kansas
2 months ago
My family and i where just there on a kayak tour of the area. We enjoyed it very much and would lik to cone back again in the future.
SEND
Christine L.
Kansas

2 months ago
SEND
Jean S.
New York
2 months ago
Animals need this space... people don't!
SEND
Ellen S.
California
2 months ago
SEND
Jutta B.
Germany
2 months ago
SEND
Kerstin G.
Germany
2 months ago
SEND
Renata B.
United Kingdom
2 months ago
SEND
Teresa R.
California
2 months ago
I visit La Jolla frequently and seeing these beautiful animals is part of the reason why. The seals deserve protection from humans and their bad behavior!
SEND
Ellen G.
Wisconsin
2 months ago
SEND
MaryBeth S.
Virginia
2 months ago
People really need to leave these animals alone, we have taken too much from them
SEND
Kate H.
Washington
2 months ago
These animals are not toys or tourist attractions. Respect during this special time for the mothers and their pups is paramount.
SEND
Allison W.
United Kingdom
2 months ago
SEND
Claudia F.
Florida
2 months ago
SEND
Diane C.
United Kingdom
2 months ago
Pupping season is a critical time for any colony, but this particular one has suffered greatly from human disturbance. Abandonments, and deaths, are too common as the mothers are easily frightened away. Please help them!
SEND
Pamela R.
New York
2 months ago
SEND
Daryth M.
California
2 months ago
SEND

Elizabeth L.
California
2 months ago
SEND
Elaine W.
United Kingdom
2 months ago
The ignorant public must be kept away from the seals and THEIR surroundings.
SEND
Denise G.
United Kingdom
2 months ago
SEND
ROBERTA C.
Italy
2 months ago
because i love seals!
SEND
Mary M.
Pennsylvania
2 months ago
SEND
Mary V.
Ohio
2 months ago
SEND
Nelson B.
Ohio
2 months ago
SEND
Alison S.
United Kingdom
2 months ago
SEND
Hazel S.
Minnesota
2 months ago
SEND
Karen F.
United Kingdom
2 months ago
SEND
Valerie H.
Florida
2 months ago
These Seal's and their Puppies have NO PROTECTION at CALIFORNIA'S Seaside's ! Nursery Beaches are crowded by intrusive people . Touching , grabbing , kicking sand on Them ! Taking Selfies ! Not watching their Children around the Puppies ! Some have scared them all off the beach . New Puppies left behind . Some Mom's will abandon them . Then these poor Puppies try to find a Mom to nurse from . Mom's won't let them nurse ! The Puppy will starve to Death . Unless one is lucky enough to find a Mom who had a still birth . Then it will be Adopted ! Only 2 Organizations can attend to these Seal's here , SeaWorld and NOAA ! Not even Law Enforcement won't help Protect Them ! And Sadly signs are Posted to Stay Away from the Seal's ! Their supposed to be Protected by Law ! Have seen many abandoned Puppies starving near death ! NOAA is called , they tell you to call SeaWorld ! Call SeaWorld , they'll tell you they'll check it out ! Sometimes they do and times they don't ! Watched SeaWorld go to the Nursery Beach because 2 Puppies were abandoned and starving ! When they got there , they checked it out ! One puppy was beautifully spotted the other dark . Both in the same condition ! They only rescued the Spotted Puppy . Left the other there ! Thankfully it was adopted ! Another time even after dozens of calls . They never came to rescue a couple of abandoned Puppies ! We watched them fighting to Live . We watched them Die ! What does this say about Protected Wildlife ! The State , Cities , Law Enforcement , NOAA and SeaWorld won't Protect and Rehabilitate them ! If there's Federal Law's why not Enforce Them ! If SeaWorld is to be Their Rescues . Why aren't they doing their Jobs ? Put up Fences with emergency gates ! Keep some form of 24 hr Security ! Arrest Violaters ! These Seal's are part of Our Environmental Well-Being ! As they are to the Seas ! There's many different Marine Organizations in California to help rescue these Seal's and Puppies ! It's wrong to lay the Safety of these Seal's in only the hands of a controversially known establishment as SeaWorld ! Protect the Seal's and Protect the Environment !
SEND
Terry C.
California

2 months ago
Because I care about our oceans and ocean life ! I visit the seals often at La Jolla .
SEND
Sharifah Farah Debah S.
Malaysia
2 months ago
SEND
Jacques N.
South Africa
2 months ago
Pup lives matter
SEND
Theresa M.
Netherlands
2 months ago
SEND
elodie v.
Belgium
2 months ago
SEND
David N.
United Kingdom
2 months ago
SEND
Joshua R.
California
2 months ago
Seals are a vital component of our ecosystem and a space reserved for their birthing and development is more important than an exclusive play space for our human children ...this can still serve children as an educational space while supporting the seal community as well.
SEND
Mary-Ellen S.
California
2 months ago
SEND
Maria V.
Belgium
2 months ago
SEND
Christina M.
Washington
2 months ago
SEND
mauricio c.
Chile
2 months ago
SEND
Lindy R.
California
2 months ago
These animals are in their natural habitat and should be protected
SEND
Melanie M.
California
2 months ago
SEND
Barbara M.
California
2 months ago
SEND
Brenda U.
California
2 months ago
SEND
Craig D.
California

2 months ago
SEND
Tanya G.
California
2 months ago
SEND
Nicole F.
California
2 months ago
SEND
Laura B.
Pennsylvania
2 months ago
SEND
name not displayed
Nebraska
2 months ago
Jennifer B.
Arizona
2 months ago
SEND
name not displayed
New York
2 months ago
Crystal C.
California
2 months ago
SEND
Steffi Z.
Hawaii
2 months ago
SEND
Amy K.
Hawaii
2 months ago
SEND
Judy P.
Ontario
2 months ago
SEND
Anita G.
Austria
2 months ago
SEND
Angel L.
Queensland
2 months ago
Because ppl need to be held accountable for their actions and ignorant behaviours towards our wildlife
SEND
Erika E.
California
2 months ago
SEND
Bonnie S.
California
2 months ago
SEND
name not displayed
California
2 months ago
Susan T.
Michigan
2 months ago
SEND
Alannah F.
Rhode Island

2 months ago
Seals need to be protected, especially during the pupping season when they are most vulnerable. Humans need to give them their space and not interfere or endanger the pups. The only way that is going to happen is if barriers and beach closures are implemented.
SEND
Mj G.
California
2 months ago
SEND
Kristie S.
Illinois
2 months ago
SEND
Jade S.
California
2 months ago
SEND
Shannon P.
California
2 months ago
Because this is the wildlife that lives at his beach. It is there home and they have been there for many years, before ppl came to this beach.
SEND
Jennufer D.
California
2 months ago
SEND
Allison T.
Wisconsin
2 months ago
Because they need our help! I have seen too many pups abandoned and suffer because of human interference.
SEND
Jennifer C.
California
2 months ago
The constant harassing by the public needs to stop. These seals need to be protected just like the seals everywhere else on the CA coastline.
SEND
Triana R.
California
2 months ago
SEND
Mony V.
British Columbia
2 months ago
SEND
Patrick H.
California
2 months ago
This is a necessary step as people will not leave the seals alone and the City of San Diego and the Federal government have been completely remiss in enforcing existing laws to protect marine mammals.
SEND
Barb S.
Minnesota
2 months ago
SEND
Billy B.
Oklahoma
2 months ago
SEND
Linda B.
Oklahoma
2 months ago
I grew up in La Jolla Shores. My daughter who is a volunteer at the aquarium has become very involved in this cause. She actially spends time with the seals and teaching and sharing with people. Shes an avid swimmer and deep sea diver. Both of our daughters and their families are a part of La Jolla and thoroughly enjoy the seals. She understands the issues but

SEND
Amy B.
California
2 months ago
I understand how important it is to protect the our local seal population during pupping season. Unlike the Sea Lion, Seal mothers are more likely to abandon pups or deliver stillborn pups when they feel threatened or in danger which is why they need a safe location that people cannot trespass upon during pupping season. La Jolla is a high traffic tourist destination so setting aside one small area for a portion of the year is a fair compromise to provide adequate protection to the seal population.
SEND
Andrea H.
California
2 months ago
SEND
Melodie F.
California
2 months ago
SEND
Carrie G.
Colorado
2 months ago
SEND
Li G.
California
2 months ago
SEND
Katheryn R.
California
2 months ago
SEND
ro a.
United Kingdom
2 months ago
SEND
Stella b.
Greece
2 months ago
SEND
twila r.
California
2 months ago
SEND
Kristina S.
Croatia
2 months ago
SEND
Harsha V.
India
2 months ago
SEND
Mary Jo G.
Ohio
2 months ago
SEND
Carol M.
British Columbia
2 months ago
SEND
Chtistine G.
Netherlands
2 months ago
SEND
CINDY A.
Hawaii
2 months ago
SEND

Monica R.
District of Columbia
2 months ago
SEND
Guada G.
Spain
2 months ago
SEND
Jen S.
Indiana
2 months ago
SEND
sue s.
Germany
2 months ago
SEND
maria F.
Argentina
2 months ago
SEND
Olga V.
Russian Federation
2 months ago
SEND
Marc v.
Netherlands
2 months ago
SEND
nick r.
United Kingdom
2 months ago
SEND
Chrissie R.
New York
2 months ago
SEND
Michaela S.
Czech Republic
2 months ago
SEND
bellinda R.
Netherlands
2 months ago
SEND
Lawrence H.
Florida
2 months ago
SEND
Eva E.
Greece
2 months ago
SEND
Jan G.
United Kingdom
2 months ago
SEND
Joan H.
United Kingdom
2 months ago
SEND
Jennifer P.
Italy
2 months ago
SEND
Danny v.
Netherlands

2 months ago
SEND
Ildong K.
California
2 months ago
SEND
Joann E.
Wisconsin
2 months ago
SEND
Levienne N.
Viet Nam
2 months ago
SEND
Deborah S.
California
2 months ago
SEND
Lisa L.
California
2 months ago
SEND
Sharon L.
California
2 months ago
SEND
Gisela G.
Portugal
2 months ago
SEND
monty f.
Pennsylvania
2 months ago
SEND
Marie Ange B.
Luxembourg
2 months ago
SEND
My A.
Viet Nam
2 months ago
SEND
HEIKKI R.
Finland
2 months ago
SEND
Kate K.
Vermont
2 months ago
People too often do not think of the needs of animals but only of their self gratification and will do whatever it takes to get near those seals. Someone needs to protect them for the pups and their mothers will be stressed and many pups could possibly die,
SEND
sara s.
California
2 months ago
SEND
Alan H.
Ontario
2 months ago
SEND
Janine V.
Victoria
2 months ago
SEND
Anna H.

Slovakia
2 months ago
SEND
antonina I.
Italy
2 months ago
SEND
Vonda T.
Colorado
2 months ago
SEND
dominique f.
France
2 months ago
SEND
Lori M.
California
2 months ago
SEND
Sudeshna G.
India
2 months ago
SEND
Dennis D.
California
2 months ago
SEND
Ilhama N.
Azerbaijan
2 months ago
help animals help nature
SEND
Bob N.
California
2 months ago
Protect our natural environment!
SEND
Christeen A.
Florida
2 months ago
SEND
Kimberly M.
California
2 months ago
SEND
Nancy A.
New York
2 months ago
SEND
Neil R.
United Kingdom
2 months ago
SEND
Cindy L.
Florida
2 months ago
SEND
Sue F.
United Kingdom
2 months ago
SEND
Irina O.
Belgium
2 months ago
SEND
Brook W.

United Kingdom
2 months ago
SEND
Joseph W.
Minnesota
2 months ago
SEND
Stanley S.
Illinois
2 months ago
SEND
Nanette B.
Ohio
2 months ago
SEND
Manfred B.
Germany
2 months ago
SEND
Debra M.
Georgia
2 months ago
SEND
Aman K.
New South Wales
2 months ago
SEND
Leni D.
Brazil
2 months ago
SEND
Jeanne R.
Georgia
2 months ago
SEND
Angelflowers D.
Arkansas
2 months ago
SEND
Marianne R.
California
2 months ago
SEND
SHEILA G.
United Kingdom
2 months ago
SEND
Sharon B.
South Africa
2 months ago
SEND
Tina B.
Germany
2 months ago
SEND
Dean T.
United Kingdom
2 months ago
SEND
Jacqueline B.
Texas
2 months ago
SEND
esmeralda v.
Mexico
2 months ago

SEND
Doreen M.
California
2 months ago
SEND
Angeles M.
Mexico
2 months ago
SEND
liliane g.
Belgium
2 months ago
SEND
Jacqueline P.
Illinois
2 months ago
SEND
Eternal G.
Queensland
2 months ago
SEND
Roxana M.
Chile
2 months ago
SEND
Carol M.
Arizona
2 months ago
SEND
Marcos Vinicios R.
Brazil
2 months ago
SEND
Melyssa L.
Belgium
2 months ago
SEND
Nikitas F.
Belgium
2 months ago
SEND
Andrea L.
United Kingdom
2 months ago
SEND
Nathan D.
Illinois
2 months ago
SEND
Michelle M.
Belgium
2 months ago
SEND
Zahida D.
Germany
2 months ago
SEND
Diane A.
United Kingdom
2 months ago
SEND
jorge d.
Peru
2 months ago
SEND
amy D.

Malta
2 months ago
SEND
Michelle V.
South Africa
2 months ago
SEND
Judith D.
Massachusetts
2 months ago
SEND
Michelle M.
Minnesota
2 months ago
SEND
Vladimír F.
Czech Republic
2 months ago
SEND
Andrea S.
Brazil
2 months ago
SEND
Marga G.
Spain
2 months ago
SEND
Katie E.
Quebec
2 months ago
SEND
Andras T.
Hungary
2 months ago
SEND
Carol A.
California
2 months ago
SEND
Frédéric J.
France
2 months ago
SEND
Maryann S.
Illinois
2 months ago
SEND
name not displayed
United Kingdom
2 months ago
Marilyn T.
British Columbia
2 months ago
SEND
Татьяна И.
Russian Federation
2 months ago
SEND
O eees Juana A.
Mexico
2 months ago
SEND
Zuzana S.
Czech Republic
2 months ago
SEND

Animal L.
United Kingdom
2 months ago
SEND
kim f.
Illinois
2 months ago
SEND
Maxine W.
United Kingdom
2 months ago
SEND
Lia P.
Mexico
2 months ago
SEND
mesut s.
Turkey
2 months ago
SEND
Mari D.
California
2 months ago
SEND
Paola S.
Italy
2 months ago
PLEASE PUT YOUR NAME AND VALID TARGET!
SEND
name not displayed
Germany
2 months ago
Teresa W.
Poland
2 months ago
SEND
isabel e.
Spain
2 months ago
SEND
Frédéric V.
France
2 months ago
SEND
Anneke A.
Netherlands
2 months ago
SEND
Amy F.
California
2 months ago
SEND
Sue H.
California
2 months ago
SEND
Patricia V.
Mexico
2 months ago
SEND
Manuela A.
Italy
2 months ago
SEND
RAQUEL P.
Spain

2 months ago
SEND
EDWARD G. M.
Wisconsin
2 months ago
SEND

May 28, 2019

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, Ca 92108

RE In favor: Children's Pool Beach renewal of permits CDP#6-14-0691 and CDP#6-15-0223

Dear Coastal Commissioners:

It is critical that you renew your support for the 5-month winter beach closure and for use of the guideline rope during the 7-month summer open beach for the proposed 10-year period.

There are a number of reasons why the two permits must be approved:

- Casa Beach is a designated rookery (NOAA 2000), and as such, is in line with the sixteen other rookeries along the California coast which close for the annual pupping season. Without this prohibition, the birthing and nurturing areas are vulnerable to the public.

- A "marine mammal park" was added to the 1931 land grant in 2008 (Kehoe), giving the seals a legal right to reside on this beach. In fact, the nearest rookery is 160 miles away in Ventura County.

- Federal, state and local wild animal protective laws are well established and usually posted for visitors to see. Unfortunately, these laws are not well enforced.

- The city has an obligation to implement protective laws and has recommended that the current management plan be continued.

- The California Coastal Act gives precedence to the protection of "environmentally sensitive habitat areas", ESHA, and supports seasonal restrictions.

- Studies have shown that seal deposition contributes essential nutrients and bacteria important for the growth of the all marine and vegetation species in the food chain. As such, the results of human behavior altering seal behavior gravely and adversely affect the entire ocean ecosystem, which is already compromised by climate change.

- Throughout the five-year trial period, there have been few public confrontations between pro-beach and pro-seal groups as observed by Seal Society Docents, rangers

and lifeguards. Births have taken place in relative safety and the vital nurturing time has been allowed free of human interference. Overall seal counts have remained essentially the same.

Without these protective measures, unparalleled seal harassment will go on unabated and seals will suffer from stress, fatigue, and malnutrition, especially mothers and pups, which results in increased premature births and pup deaths. It has been reported that if people get too close to the seals, causing them to stampede into the water, mothers may abandon their pups, resulting in pup starvation, which is difficult to see.

If the permits are not renewed, arguments will again arise declaring that beach access is a privilege granted to people alone, excluding animal rights. To strip away these permits would return us to uncivilized clashes between opposing points of view – clearly a huge step backwards when we have before us an effective management plan.

Over 1.5 million visitors, including locals, people from other US states, and from all over the world come to see the seal colony annually in their natural habitat. It is possibly the closest place anywhere where marine mammals can be viewed in the wild. As a long-term docent with the Seal Society, I can attest that if you are at the beach educating visitors for even an hour, you will meet people from at least ten different countries. Viewing the seals is one of the main reasons people come to San Diego, which certainly contributes to our revenue. It is the enchanting panoramic view of the seal colony in their natural setting that draws them.

In summary, the current policy serves to minimize the stresses for the seals during their most vulnerable time - the pupping season. The guideline rope works to protect them during the remaining months.

Please help us preserve this special place where the seals are protected in their natural habitat and all of us can enjoy the rare experience of watching them.

I thank you for doing the right thing - protecting this amazing treasure. The seals thank you!!

Carol Archibald, Docent
Sierra Club Seal Society

3146 Ibsen Street
San Diego, CA 92106

Sierra Club Seal Society

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego 92108

May 28, 2019

Re: Summary of Care2 Petitions for Children's Pool Beach renewal of permits CDP #6-14-0691 and CDP #6-15-0223.

Dear Commissioners:

The results of our Care2 Petition have been sent to you in a separate email. A total of 363 people have signed this petition supporting the beach closure during the 5-month pupping season and the use of the guideline rope during the 7-month nonpupping season.

The breakdown of the 363 people who signed as it stands today is the following:

California: 84 or 23% came from California.
U.S. States: 89 or24.5% came from other US states.
Other Countries: 190 or 52% or over half came from other countries.

The United Kingdom represented 55 or 29% of petitions.

Canada	11	Australia	4
Germany	10	Netherlands	4
Mexico	9	S. Africa	4
India	8	Czech Rep.	3
Belgium	6	Finland	2
Italy	6	Russia	2
Spain	5	Norway	2
France	5	Greece	2
Brazil	5		

Participants from the following countries each signed only one petition: Hungary, Peru, Malta, Azerbaijan, Slovakia, Luxembourg, New S. Wales, Chile, Poland, Costa Rica, Puerto Rica, Iceland, Romania, Ecuador, Denmark, Malaysia, Sri Lanka, Ukraine, Viet Nam, Turkey, Portugal, Argentina, Croatia, Austria, and Switzerland.

A recount will be done prior to the CCC meeting June 13, 2019.

Respectfully submitted,

Carol Archibald, Docent
Sierra Club Seal Society
San Diego, California

Sierra Club Seal Society

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego 92108

May 28, 2019

Re: Summary of Care2 Petitions for Children's Pool Beach renewal of permits CDP #6-14-0691 and CDP #6-15-0223.

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A recount will be done prior to the CCC meeting June 13, 2019.

Respectfully submitted,

Carol Archibald, Docent
Sierra Club Seal Society
San Diego, California

From:	Ellen Shively
To:	ChildrensPool@Coastal
Subject:	Summery for Support for Childrens Pool permit renewals
Date:	Tuesday, May 28, 2019 7:20:44 PM

----- Forwarded Message -----
From: Richard Miller <richard.miller@sierraclub.org>
To: Ellen Shively <ellenshively@sbcglobal.net>
Sent: Tuesday, May 28, 2019, 3:18:59 PM PDT
Subject: Re: Fw: Draft Summery for Support for Childrens Pool permit renewals

California Coastal Commission
7575 Metropolitan Drive, Suit 103
San Diego, Ca 92108

Dear Commissioners;

In preparation for the San Diego meeting of the CCC, the Sierra Club (San Diego Chapter) Seal Society has collected signatures on petitions, postcards, and letters in support of the renewal of the 2014 CDP permits #6-14-0691 and #6-15-0223 for the June 12-14 California Coastal Commission hearing. Our collection efforts will continue until the date of the hearing. We are submitting the following current tallies for inclusion in the Commissioners information packets,and will provide the final tally during public testimony.

Petitions: 4,079
Postcards:1,275

Thank you

Ellen Shively
Sierra Club Seal Society Chair

Richard Miller
Chapter Director

Sierra Club San Diego
8304 Clairemont Mesa Blvd, Ste 101
San Diego, CA 92111-1315
858-569-6005

Pronouns: He, him, his

Not a Member?
$15 special membership rate. Join HERE!

Help us continue our good work, DONATE HERE.

On Tue, May 28, 2019 at 11:14 AM Ellen Shively <ellenshively@sbcglobal.net> wrote:
> Richard - Coming in soon to count and send to CCC.

May 25, 2019

Coastal Commission
7575 Metropolitan Drive, Suit 103
San Diego, Ca 92108

Dear Commissioners;

In preparation for the San Diego meeting of the CCC, the Sierra Club (San Diego Chapter) Seal Society has collected signatures on a petition, returned postcards, conducted an online petition survey on two websites and returned sample letters and personalized letters in support for the June 12-14 California Coastal Commission hearing and possible renewal of the 2014 CDP permits #6-14-0691 and #6-15-0223. Our collection efforts will continue up until the date of the hearing. We are submitting the current tallys for inclusion in the packets to the Commissioners as of this date, but expect these numbers to be increased by the date of the hearing. Following are the tallys to date:

Collected signature s on multilined petitions -

Returned Sierra Club Postcards -

Sierra Club Seal Society On Line petitions -

Seal Society On Line Care4 Petitions -

Sierra Club Seal Society Sample Letters signed -

Personal letters in Favor of CDP renewals -

Thank you

Ellen Shively
Sierra Club Seal Society Chair

Sea Shepherd Conservation Society

International Chairman
Farley Mowat (posthumous)

President
Captain Paul Watson

Vice President
Pritam Singh

Secretary/Treasurer
Peter Rysman

Board of Directors
Pamela Anderson, Chair
Tambrey Laine
Ann Prezyna
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Pierce Brosnan
Paul Brown
Sebastiano Cossia Castiglioni
David Comarow, Esq.
Sean Connery
Billy Corgan
James Costa
John Paul DeJoria
Shannen Doherty
Linda G. Fisher
Dave Foreman
Hannah Fraser
Marc Gaede
Birute Galdikas, Ph.D.
Mike Galesi
Daryl Hannah
Rutger Hauer
Randall H. Hayes
Steve Hindi
Herbert Nitsch
Alex Hershaft, Ph.D.
Sidney Holt, Ph.D.
Captain Jet Johnson
Chris Jordan
Anthony Kiedis
Pieter Kroonenburg
Christopher Lambert
Louise Leakey, Ph.D.
Enzo Maiorca
Patriizia Maiorca
Rafe Mair
Joe MacInnis, Ph.D.
Ross McCall
Godfrey Merlin, Ph.D.
Alex Pacheco
Sean Penn
Grant Pereira
Dave Rastovich
Michelle Rodriguez
Martin Sheen
Kelly Slater
Les Stroud
George Sumner
Marc Tohir
Diane Warren
Vivianne Westwood
Ben Zuckerman

May 26, 2019

California Coastal Commission,
7575 Metropolitan Drive, Suite 103
San Diego 92108

Re: Casa Beach, (aka Children's Pool Beach) renewal of permits CDP #6-14-0691 and CDP #6-15-0223

Dear Commissioners:

One of the great failings in marine conservation is the lack of economic and political motivation to uphold and enforce marine conservation laws.

The law is explicit: Do not disturb marine mammals. They must be observed from a safe distance and dogs must be kept on a leash. It is against the law to feed, harass, capture or to kill a marine mammal. It is against the law to pursue, to torment or to annoy any marine mammal.

And yet in the case of the seals at Casa Beach, the law is regularly ignored and the authorities in many cases simply turn a blind eye to infractions by members of the public.

The San Diego City Council and the California Coastal Commission (CCC) voted in 2014 in favor of winter beach closure (12/15 to 5/15) to protect the La Jolla seals during the vulnerable pupping season and in 2015 to maintain the guideline rope during the summer non-pupping season from 5/16 to 12/14.

Casa Beach is the only rookery with no access restriction or closure during pupping season. This allows for regular infractions by the public. Access must be restricted and 100% enforcement must be implemented.

In light of the current situation it makes no sense to repeal the current plan that at least on paper allows for protection. The current plan is a good plan, despite lack of proper enforcement. The current plan must be maintained and bolstered with an active political and legal will to uphold the Marine Mammal Protection Act.

On behalf of the Sea Shepherd Conservation Society I am requesting that the 5-month winter beach closure and the use of the guideline rope be maintained for at least the proposed 10-year period.

Humans have harassed, killed, tormented, stolen their habitat and abused the seals and sea lions along the coast of California for generations until the implementation of the MMPA. Casa Beach is the only rookery south of Ventura and the seals and sea lions deserve to be left in peace and free of harassment.
Sincerely

For Our Ocean and for Life



Captain Paul Watson
Founder and President

From: mhussenbux@btinternet.com
To: ChildrensPool@Coastal
Subject: Approve the 10 year renewal of the La Jolla Seal protections
Date: Saturday, May 11, 2019 7:29:04 AM

Dear Coastal Commissioners,

I write once again on behalf of The Animal Interfaith Alliance, an international alliance of faith groups founded in Britain concerned about the welfare of animals. Our member organisations and individual members include Buddhists, Christians, Hindus, Jains, Jews, Muslims and Sikhs. We are all united by our common concern for animals, based on our various faiths. Our member organisations are listed below.

We send our compliments, and would like to register our organisation's support of the 10 year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year").

We would also beg to support CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs") to protect the La Jolla Harbor Seals.

This system has proved extremely effective over the past few years – we understand from the Seal Conservancy, an excellent group we support that "it has reduced seal harassment to zero during the pupping season while dramatically reducing police calls with no citations issued at all."

We think it is both reasonable, and respectful of the seals' right to a peaceful time during the births and when the pups are especially vulnerable.

Best regards,

Marian Hussenbux. Secretary International Campaigns
Animal Interfaith Alliance
www.animal-interfaith-alliance.com

Faiths Working Together for Animals

Member Organisations:
Anglican Society for the Welfare of Animals
Bhagvatinandji Education and Health Trust
Catholic Concern for Animals
Christian Vegetarians and Vegans UK
The Christian Vegetarian Association (CVA) US
Dharma Voices for Animals UK
Institute of Jainology
Animals in Islam
Jewish Vegetarian Society UK
The Mahavir Trust
The Oshwal Association of the UK
Pan-Orthodox Concern for Animals
Quaker Concern for Animals
The Romeera Foundation
The Sadhu Vaswani Mission

The Young Jains UK

President - Dr Richard D. Ryder. Vice President - Dr Deborah Jones.

Patrons (in alphabetical order) - Rev. Christa Blanke, Joyce D'Silva, Kay, Duchess of Hamilton, Satish Kumar, Nitin Mehta MBE, Dr Andre Menache, Dr Alpesh Patel, Dr Matthieu Ricard, Anant Shah, Ajit Singh MBE, Charanjit Singh, Mohammad Safa.

Florian Graner, PhD
4021 Beach Drive
Freeland, WA 98249 / USA
Phone: +1 (360) 730 1691
Cell: +1 (831) 224 7171
UBI No: **602989205**
E-mail: fgraner@sealife-productions.com

Freeland, 21st May 2019

To the
California Coastal Commission
7575 Metropolitan Drive #103,
San Diego, CA 92108

La Jolla Children's Pool Seasonal Beach Closure

Application Nos. 6-14-0691-A1 and 6-15-0223-A2 (Children's Pool Closure and Rope Barrier)



Picture 1: Setting of Children's Cove with Harbor Seal pupping colony protected and the rope barrier in place (March 14, 2019)

I am writing to address the pending discussion on the application Nos. 6-14-0691-A1 and 6-15-0223-A2 (Children's Pool Closure and Rope Barrier).
My position comes as an external observer of the development of the La Jolla Harbor seal colony since 1996 in the function of a marine biologist with a PhD on marine mammal behavior and as a seasoned wildlife documentary producer and filmmaker.
This year in March, I have travelled back to San Diego to shape my own opinion of the situation at Children's Pool having watched these seals there and their public protection (or the lack of public protection) since 1996. I spent four days (3/13 – 3/16) observing and recording the scene

from dusk to dawn and I am happy to share the video results with the commission if you care to see them.
I will include frame grabs from this material with this letter to underpin my statements and observations.
I am delighted to report that I found the main beach at Children's Pool cordoned off with no significant human disturbance other than occasional military helicopters flushing some seals during very low-level flights right passed the cove. Some seal pups were still being born, others were already close to weaning and were well fed and still nursed frequently for long periods. Some of them were at or near maximum size for California Harbor Seals at weaning and appeared very healthy. I saw only one pup which had suffered premature separation from its mother and was seeking to steal milk from other females, an endeavor often punished by those mothers threatening and snapping at this pup, sometimes tearing into it and shaking it. Other seals also lashed out at this pup which was clearly emaciated (see Plate 1). In other years more of these pups were visible at La Jolla most of which died or were rescued by Sea World. I have attributed the main reason for the high frequency of these abandoned pups at Children's Pool in the past to frequent and serious human disturbance which was evident and visible and well recorded. Their low frequency this year suggests that the rope barrier and the strategy of these past five years has significantly improved the situation for the Harbor Seals during the pupping season including pup survival.
The colony was observed by many spectators lining all sides of Children's Pool from early morning to sunset clearly enjoying and taking in the sight and proximity of these seals. As indicated in earlier writings to the CCC, I will point out that this is a unique situation. Nowhere else in the world and the range of this species, both Northern Atlantic and Northern Pacific shorelines, have I ever witnessed such tolerance and adaptation to human proximity on land. The harbor seals were completely at ease on the main beach ignoring the commotion around them and the rope barrier was effective and prevented human intrusion during the time of my observation. There were no signs of human footprint in the sand or other traces of human activity (see Plate 2). As a result, this is the most relaxed I have ever seen the Harbor seals there. It is a great indication that the current policy is working well for the Harbor seals and I highly recommend keeping both policies in place and make the seasonal closure and the rope barrier permanent or at least extend it for 5-10 years. It is a fantastic opportunity for any major city to have a popular beach become a pupping beach during a limited and very well-defined period of the year. Whoever has observed the crowds enjoying the site of this beach with the seal on them will confirm this conclusion. It is not only a major attraction for tourism but also for most locals, minus a few who harbor long held grievances toward the seals and/or a barrier to humans at their favorite location. I will also point out that the Marine Mammal Protection Act requires such protection and measures and probably more.

I have also noticed that a number of Harbor Seals have started using the small beach to the south of the breakwater (see plate 3). This beach is accessible by a set of concrete stairs only and a sign asking visitors to refrain from engaging with the seals has been posted there easily noticeable when using the set of concrete stairs down to the beach. The harbor seals using this beach are not just subadults but actually mature female seals with freshly born pups and they are amazingly tolerant to the interactions which take place on a daily basis at that location. Despite the sign people regularly engage in close-up selfies, pictures and actually walk through the seals cutting off their access to the water in some cases (see plates 4). Small children are also placed right next to the seals and it would only take one stretch of the neck by a seal to dish out a bite. Again, amazingly this has not happened yet but given that I have witnessed people even tripping over those seals you might contemplate to cordon off this beach as well

during pupping season thereby preventing any accidents from happening. It would also prevent these Harbor seals from being flushed which still happens, despite a tolerance to human vicinity very unusual for this species. I found this beach empty of seals on two mornings while I was there. There were always seals by the dozens on the Children's Pool beach.

I appreciate your efforts and time devoted to these seals. In my vast experience with Harbor seals and other seals all around the Northern hemisphere this is a very unique and really grand opportunity for city folks and visitors alike to experience wild seals within their city boundary and actually see them giving birth and nursing their pups. There is no Marine Park or Oceanarium which can offer such an experience! It is highly educational and recreational and leaves a lot of room for hope that future generation may still be able to have this opportunity.

Thank you and with all my best wishes,

Florian Graner

PS: I am open to generate a more detailed report with an online video link should that be the wish of the CCC. I am also open to engage in further discussion and assist with any advice should that be required.

Plate 1: Abandoned Harbor Seal Pup on the pupping beach at Children's Pool in dark coat showing signs of emaciation and being scratched away by another Harbor seal.



Plate 2a: Harbor Seals *Phoca vitulina richardsi* on the pupping beach at Children's Pool with no signs of human disturbance on the beach or nervous seals.





Plate 2b: Harbor Seals *Phoca vitulina richardsi* on the pupping beach at Children's Pool with no signs of human disturbance on the beach or nervous seals.

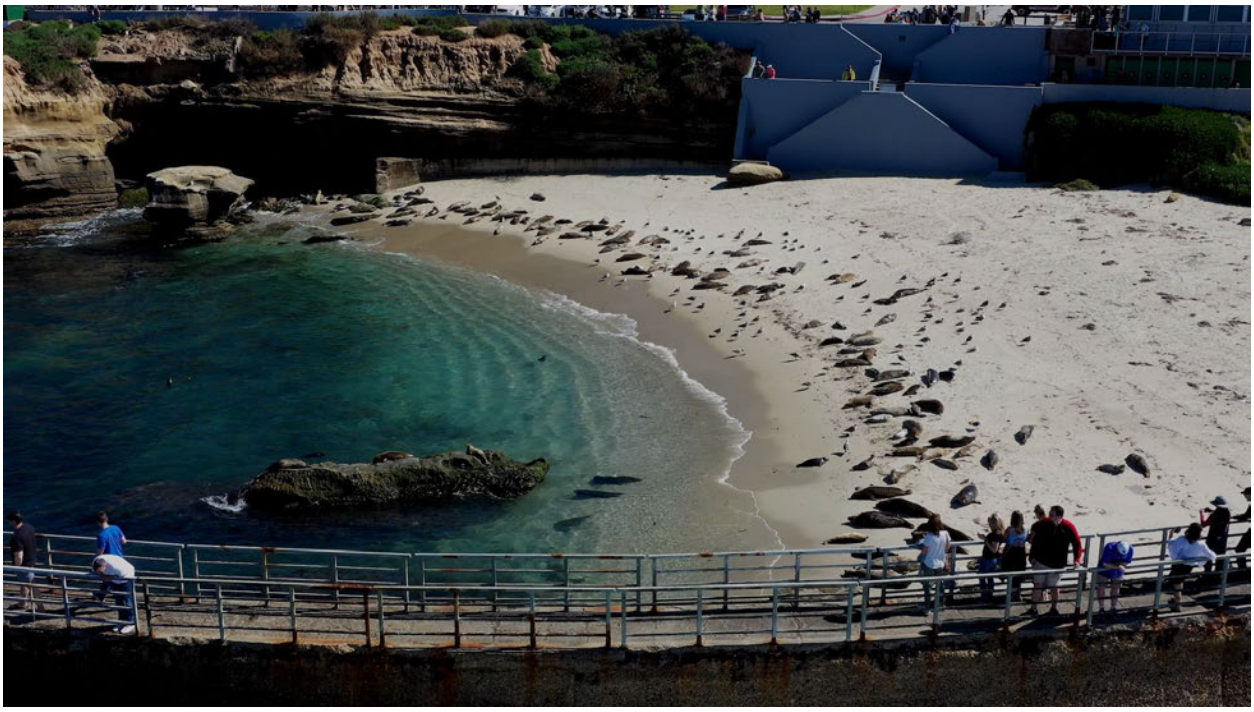




Plate 3: Harbor Seals *Phoca vitulina richardsi* to the South of the breakwater and with human spectators close by.





Plate 4a: People interacting with the Harbor Seals *Phoca vitulina richardsi* to the South of the breakwater at close range.





Plate 4b: People interacting with the Harbor Seals *Phoca vitulina richardsi* to the South of the breakwater at close range.





Plate 4c: People interacting with the Harbor Seals *Phoca vitulina richardsi* to the South of the breakwater at close range.





From: Diane Ake
To: ChildrensPool@Coastal
Subject: Approve the 10-year renewal of the La Jolla Seals Protections
Date: Friday, May 10, 2019 12:32:29 PM

Dear Coastal Commissioners,

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.

Sincerely,
Sent from Mail for Windows 10

RECEIVED

MAY 2 2 2019

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission,
7575 Metropolitan Drive, Suite 103
San Diego 92108

Re: **In favor:** Children's Pool Beach renewal of permits CDP #6-14-0691 and CDP #6-15-0223

Dear Commissioners:

- The San Diego City Council and the California Coastal Commission (CCC) voted in 2014 in favor of winter beach closure (12/15 to 5/15) to protect the La Jolla seals during the vulnerable pupping season and in 2015 to maintain the guideline rope during the summer non pupping season from 5/16 to 12/14.

- Please renew your support for the 5-month winter beach closure and the use of the guideline rope during the 7-month summer open beach for the proposed 10-year period on June 12 -14, 2019.

- If these protective permits are not approved, seal harassment will continue unabated and innocent seals may suffer from stress, fatigue, and malnutrition, especially mothers and pups. It has been reported that if people get too close to the seals, causing them to stampede into the water, and mothers may abandon their pups, which can result in pup mortality.

- Please help us preserve this special place where the seals are protected in their natural habitat and all of us can enjoy the rare experience of watching them up close.

We thank you. The seals thank you!!

Nancy Bartels
PO Box 772594
Steamboat Springs, CO
80477

CDP #6-14-0691 A-1
CDP # 6-15-0223 A-2

Dear California Coastal Commission,

I would like to encourage you to please consider continuing the seasonal beach closure of Casa Beach/Children's Pool during harbor seal pupping season and the guideline rope for when the beach is open for shared use. These seals still need protection from human interference. They need time during the seasonal beach closure to rest and nurture their pups.

These seals are an asset to San Diego and La Jolla and should be treasured.

Sincerely,

RECEIVED
MAY 21 2019
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

From:	Diane Merrill
To:	ChildrensPool@Coastal
Subject:	Approve the 10 year renewal of the La Jolla Seal protections
Date:	Monday, May 13, 2019 11:09:08 AM

Dear Coastal Commissioners,

I support the 10 year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year") and CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs") to protect the La Jolla Harbor Seals.

As a resident whose view is that of the Children's Pool, I see two things that occur there. Abuse by humans when they are allowed access to the seals and the number of visitors to whom viewing from a safe distant to observe the seals is an exciting thrilling experience.

Please renew.

Sincerely,

Diane Merrill

939 Coast Blvd. #18HJ

Diane Merrill
"*We make a living by what we get. We make a life by what we give.*" Winston Churchill
Holocaust Museum Houston Advisory Board/Docent https://www.hmh.org
Vecino Health Centers Board Director https://vecinohealthcenters.org

From:	Carla de Mos
To:	ChildrensPool@Coastal
Subject:	Approve the 10 year renewal of the La Jolla Seal protections
Date:	Saturday, May 18, 2019 5:35:40 PM

Dear Coastal Commissioners,

I support the 10 year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year") and CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs") to protect the La Jolla Harbor Seals.

This natural wonder is a huge draw for tourists and local San Diegans but many people do not know to keep their distance despite signage. As the seals require this beach for survival, we need to protect it for them.

Sincerely,
Carla de Mos
5705 Fallenwood Lane
San Diego, CA 92121

From:	Hannah
To:	ChildrensPool@Coastal
Subject:	Approve the 10 year renewal of the La Jolla Seal protections
Date:	Friday, May 10, 2019 12:48:20 PM

Dear Coastal Commissioners,

Last year I visited La Jolla and had a chance to view the Harbor Seal pupping season in a way that was both safe for the seals, and enjoyable for me. This experience was my favorite part of my visit to San Diego. I went home and told my family about how great it was that the seals were protected, and that I felt it made La Jolla a more special place.

I support the 10 year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year") and CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs") to protect the La Jolla Harbor Seals.

Sincerely,
Hannah Fullmer
Fullerton, CA

From:	Debbie Chaddock
To:	ChildrensPool@Coastal
Subject:	Approve the 10 year renewal of the La Jolla Seal protections
Date:	Tuesday, May 14, 2019 12:24:57 PM

Dear Coastal Commissioners,

I support the 10 year renewal of two important permits to protect the La Jolla Harbor Seals:

- CDP Application No. 6-14-0691 A-1 ("**Closure of Children's Pool Beach** to all public access during Harbor Seal **pupping season**, December 15 to May 15, of each year")
- CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. **guideline rope** with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs")

The seasonal beach closure has reduced seal harassment to zero during the pupping season while dramatically reducing police calls with no citations issued at all. The closure restored the calm needed for the seals to give birth and nurse their pups in a natural environment free of human harassment during this critical time, while maintaining the unique viewing experience that remains open for all locals and tourists alike to enjoy.

The guideline rope has been successful in preventing human harassment of the harbor seal colony during the non-pupping-season months. Without the rope, people can get too close to the seals. People scare them by trying to pet them, or trying to take selfies with them, surrounding the seals and blocking their escape route to the ocean.

Please renew both of these important permits!

Sincerely,

--
Debbie Chaddock
4478 Campus Ave. San Diego, CA 92116

From:	Katherine Teulie
To:	ChildrensPool@Coastal
Subject:	Keep the harbor seal pupping season winder beach closure as well as the guideline Rope the remainder of the year.
Date:	Sunday, May 19, 2019 4:42:15 PM

Dear Coastal commission.

Please keep the Harbor Seal Pupping Season Winter Beach Closure from December 15 through May 15, as well as the permit for the Guideline Rope (during the other seven months of the year).

The Harbor Seals need their space to have their babies without being bothered by the public. Even people, without bad intentions, can cause stress on these animals (selfies etc.). I would prefer if the time period was longer though.

The guideline ropes are important so that people are more aware to keep their distance.

I would also like their to be more protection for the sea lions as well. People get way too close. It is better for both the animals and the humans.

These two permits are up for renewal at the California Coastal Commission meeting in San Diego next month (June 12-14).
The Beach Closure is: CDP Application No. 6-14-0691 A-1
The Guideline Rope is: CDP Application No. 6-15-0223 A-2

Thank you,

Katherine

Katherine Teulie
904 California Street
Huntington Beach, CA 92648
(949) 533-4972 (cell)
(714) 960-9045
teulie@yahoo.com

From:	Emily Norwood
To:	ChildrensPool@Coastal
Subject:	Approve the 10-year renewal of the La Jolla Seals Protections
Date:	Tuesday, May 28, 2019 10:11:27 PM

Dear Coastal Commissioners,

I love and utilize the beaches of California's coastline, and their congruent businesses. I also love our marine life, especially the harbor seals, which are in greater danger than ever due to warming waters and human encroachment. Humans scare seals, which are already having a tough time feeding their young due to a food shortage. Scared seals abandon their babies. Abandoned pups (baby seals) starve.
If a beach closure during the some of the most dreary parts of the year, and a bit of rope, can keep dead baby seals from happening, I support it. Nobody wants dead baby seals.
To that end, I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.
Thank you for your time.

Sincerely,
Emily P. Norwood

From: juliaganderson2002@gmail.com
To: ChildrensPool@Coastal
Subject: Approve the 10-year renewal of the La Jolla Seals Protections
Date: Wednesday, May 29, 2019 6:23:25 AM

Dear Coastal Commissioners,

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals. They need this to survive. We wouldn't allow strangers to wander into hospital rooms and try to take selfies with other people's babies or try to pick them up; the seals deserve the same respect.

Sincerely,
Julia Anderson

From:	Richard Parsons
To:	ChildrensPool@Coastal
Subject:	Approve the 10-year renewal of the La Jolla Seals Protections
Date:	Wednesday, May 29, 2019 7:00:26 AM

Dear Coastal Commissioners,

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.

I have seen such temporary fencing help seals substantially in several seal birthing areas along the California coast.

Sincerely, Richard D. Parsons

Sent from my iPhone

From:	JoAnn Smith
To:	ChildrensPool@Coastal
Subject:	Approve the 10-year renewal of the La Jolla Seals Protections
Date:	Saturday, May 18, 2019 4:45:58 PM

Dear Coastal Commissioners,

I have seen the things over the years of harassment of the harbors during and after pupping season. We have enough other beaches for the public. This is such an incredible place for visitors to view wildlife. Please protect them. I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.

Sincerely,

JoAnn Smith
Sent from my iPhone

Rescuing one animal may not change the world, but for that one animal, its world is changed forever!" – Unknown

From: Elisabeth Carroll
To: ChildrensPool@Coastal
Subject: Approve the 10-year renewal of the La Jolla Seals Protections
Date: Saturday, May 11, 2019 7:52:47 AM

Dear Coastal Commissioners,

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals. It is imperative that the La Jolla Harbor Seals have a safe place to raise their young free from human harassment. I have had the incredible privilege to see the seals and their pups there and treasure that memory. It is important to maintain protections to ensure others will have the same privilege in the future. The beach closure and guideline rope provisions strike the right balance by protecting the seals while still allowing people to view them from a safe distance.

Again, please renew CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs). Thank you.

Sincerely,

Elisabeth Carroll

From: Kim Worrell
To: ChildrensPool@Coastal
Subject: Approve the 10-year renewal of the La Jolla Seals Protections
Date: Tuesday, May 28, 2019 8:53:57 PM

Dear Coastal Commissioners,

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals. The seals are such a treasure for the city. The harbor seals are a very popular passive recreation for thousands of seal fans and creates a wonderful educational opportunity to teach children about the wonders of nature. There are not many places like this and so these few spots where so many can enjoy such an incredible show, should be protected for all. I myself visit La Jolla strictly to see the harbor seals.

Sincerely,
Kim Akeman
228 18th St
Pacific Grove, CA 93950

From: Pam Impson
To: ChildrensPool@Coastal
Subject: Approve the 10-year renewal of the La Jolla Seal protections
Date: Monday, May 13, 2019 1:58:21 PM

Dear Coastal Commissioners,

I support the 10 year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year") and CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs") to protect the La Jolla Harbor Seals.

Without the enhanced protective measures, tourists and a few local residents approach, chase, threaten, and harass the seals in violation of the Marine Mammal Protection Act. As a lifelong resident of Southern California, I strongly believe in protecting our natural resources and wildlife from an ignorant and malicious minority. There are few places left where San Diegans can see wildlife in its natural habitat. Please help us preserve the beauty of this tiny beach and the seals that make it special.

Sincerely,

Pamela Impson
525 E. Camden Ave., #3
El Cajon, CA 92020

From:	Dianne Miller
To:	ChildrensPool@Coastal
Subject:	Approve the 10-year renewal of the La Jolla Seals Protections
Date:	Wednesday, May 29, 2019 12:49:57 PM

Dear Coastal Commissioners,

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.

Please let us humans share with these seals that space for the time frame which covers winter and early to mid spring leaving plenty of warm weather time for humans to enjoy the beach.

Sincerely,

Dianne Miller
5104 Emerald St
Torrance, CA 90503

From:	Donna BetheaMurphy
To:	ChildrensPool@Coastal
Cc:	Donna Bethea-Murphy
Subject:	Approve the 10-year renewal of the La Jolla Seals Protections
Date:	Saturday, May 11, 2019 4:39:08 PM

Dear Coastal Commissioners,

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.

The seasonal beach closure has significantly reduced seal harassment during the pupping season while dramatically reducing police calls with no citations issued at all. The closure gives the calm needed for the seals to give birth and nurse their pups free of human harassment during this critical time, while maintaining the unique viewing experience that remains open for all locals and tourists alike to enjoy. The guideline rope helps prevent human harassment of the harbor seal colony during the non-pupping-season months. Without the rope, people can get too close to the seals. They scare them by trying to pet them, or trying to take selfies with them, surrounding the seals and blocking their escape route to the ocean.

These permits are a compromise which balance human coastal access and animal habitat protection while maintaining this unique and special coastal resource.
Sincerely,

Donna Bethea Murphy

From:	Craig Noke
To:	ChildrensPool@Coastal
Subject:	Approve the 10-year renewal of the La Jolla Seals Protections
Date:	Wednesday, May 29, 2019 3:23:53 PM

Dear Coastal Commissioners,

I've been a Bay Net volunteer for 10 years here in Pacific Grove CA. We set up spotting scopes at the harbor seal rookery at Hopkins Cove and 5th Street. We talk to hundreds of visitors during pupping season. I have yet to meet anyone who has objected to the temporary closure at 5th Street when they realize why it's closed.

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.

Sincerely,

Craig Noke

Pacific Grove CA

From: James Fitzgerald
To: ChildrensPool@Coastal
Subject: Approve the 10-year renewal of the La Jolla Seals Protections
Date: Friday, May 10, 2019 1:42:17 PM

Coastal Commissioners:

Re: Approval of the 10-year renewal of the La Jolla Seals Protections (Coastal Commission meetings scheduled for June 14-15, 2019).

I am a 30-year resident of La Jolla. I have spoken and written to the Commission on several occasions previously in support of protection for the seals at the Children's Pool. I want to thank the Commission for the protections that you have extended to them in the past.

Now it is time to re-authorize and to extend these important protections. I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.

Thank you for your consideration.

Respectfully yours,

James M. Fitzgerald
6942 Via Estrada
La Jolla, CA 92037
858-456-6255

From:	Emily Richards
To:	ChildrensPool@Coastal
Subject:	Approve the 10-year renewal of the La Jolla Seals Protections
Date:	Friday, May 10, 2019 12:41:31 PM

Dear Coastal Commissioners,

Last year my husband and I were staying in La Jolla during pup season and each day were alarmed to see how many tourists were closely approaching seals and their pups with no regard. This was happening on both sides of Children's Pool and the adjacent beaches as well. It was disturbing. All areas where pups are being raised should be closed to the public during pup season. Humans have proven they're incapable of showing these animals the respect they need during this tender time.

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.

Sincerely,

Emily Richards Nogawski
CEO, ArtisTech Media
artistechmedia.com
iPhone speelingg errorts likely

From:	CARIN BEROLZHEIMER
To:	ChildrensPool@Coastal
Subject:	Approve the 10-year renewal of the La Jolla Seals Protections
Date:	Wednesday, May 29, 2019 12:35:57 PM

Dear Coastal Commissioners,

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.

We live in Fort Bragg, CA and there's a small harbor seal rookery at MacKerricher State Park. Even with ropes, there is both human and dog interference.

Please do everything possible to protect this species.

Sincerely,

Carin Berolzheimer
(707) 964-2084

Carin

From: Miriam Iosupovici <zevsmom@cox.net>
Sent: Saturday, May 4, 2019 5:32 PM
To: Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>; scoffice@sierrasd.org
Subject: SUPPORT: CDP#6-14-0691 (CLOSURE of Casa Beach during winter pupping season) and CDP#6-15-0223 (Placement of a guideline rope during the summer months)
Importance: High

re: **SUPPORT: CDP#6-14-0691** (CLOSURE of Casa Beach during winter pupping season) and **CDP#6-15-0223** (Placement of a guideline rope during the summer months)

PLEASE DISTRIBUTE TO ALL COASTAL COMMISSIONERS

Dear Coastal Commissioners:

Please note that during the five-year trial period, the number of disruptive behaviors between opposing groups as well as human-caused seal disturbances has greatly decreased. Beach closure has allowed mothers and pups to rest, give birth, bond, nurse and teach the pups the necessary skills to survive. Keeping the beach open all year for human recreation is unconscionable and will do great harm.

The rope has served as an effective reminder for people to keep a safe distance away from the seals and has reduced the number of flushing incidents.

These measures have been shown to benefit both seals and people. Please renew these permits.

Thank you,

Miriam L. IOSUPOVICI

1320 Seacoast Dr, Unit L

Imperial Beach CA 91932-3165

zevsmom@hotmail.com

cc: Sierra Club, San Diego Chapter

224 Countryhaven Road
Encinitas, CA 92024
May 18, 2019

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Re: Renewal of Permits CDP #6-14-0691 and CDP #6-15-0223 for Children's Pool Beach

Dear Commissioners:

I am writing to urge your support for renewal of the 5-month winter beach closure, and use of the guideline rope during the summer season from May 16 through December 14. I urge you to approve these measures for the proposed 10-year period at Children's Pool Beach.

As a 40 year resident of San Diego County I have observed first hand many times the terrible result of the incessant harassment of the Harbor seals at the beach. The rest they need is denied to them. Mothers and pups are separated, causing pup abandonment and death. And human children unfortunately may conclude that respect for the animals' well-being is unimportant The prior votes of the San Diego City Council and the Coastal Commission in 2014 have made a significant improvement in the situation at the beach, and permits must continue if the Harbor seals are to be afforded any protection at the only NOAA designated rookery south of Ventura County. They have nowhere else to go that is not already claimed by humans or incompatible sea lions.

While many tourists harass the seals unintentionally through ignorance of the federal Marine Mammal Protection Act and of the seals' biology, sadly there are many local residents who harass them knowingly and deliberately. Only closure of the beach during pupping season, and the rope guideline, prevent this harassment from escalating. There is virtually no enforcement of the MMPA, San Diego Municipal Code, CA Fish and Game regulations or California Coastal Act provisions that would protect the Harbor seals at the beach. Your decision is critical.

Thank you for considering my view.

Sincerely yours,

Jane Cartmill

From:	Irene Leeb
To:	Lasiter, Melody@Coastal
Subject:	children"s pool permit
Date:	Friday, January 11, 2019 10:56:04 AM

Good Morning Melody,
thank you for you time and information

as agreed see my opinion on the matter and hope that will be considered in granting the permit:
my opinion on the request of ropes and protection of the seals at the children's pool is favorable
I have lived in La Jolla for 20 year now.
I really like to see wild life so closely
it is like sea-world right at the walk way

I have seen a lot of controversy about it, but I think that people who argue about the right to use that particular beach taking it to far
there are better and safer beaches (especially for children like La Jolla Shores) also the parking is more plentiful there
I do swim and it is so great that coastal commission is working to make sure that there is public access to the beaches in San Diego

I would like to see some compromise and allow swimming during summer months and have ropes and other ways of protecting the seals to warm up and rest especially during the pupping season
I do not give up the idea of seeing for myself how a baby seal is born
it will be impossible if seals will have to leave the children's pool

thank you

Irene Leeb
Travel Counselor & Cruise Expert
858-456-6256
ADITravelVacations.com
Specializing in Cruises & Tours Worldwide since 1989
I come aboard with you to Advise, Discuss, Inform

He is truly wise who has traveled far and knows the ways of the world!

From: David Ellis
To: ChildrensPool@Coastal
Subject: Close the goddamn beach for the seals!!
Date: Tuesday, May 28, 2019 9:00:42 PM

It's for a short time each year. Tell people in San Diego to get over it.

And for fuck's sake, enforce the Marine Mammal Protection Act in La Jolla with the sea lions. It's truly embarrassing that it's a law in name only down there. Grow a pair, NOAA!

From: Nancy Winkler
To: ChildrensPool@Coastal
Subject: La Jolla Seal Protection
Date: Tuesday, May 14, 2019 8:12:13 AM

Dear Coastal Commissioners,

We had the good fortune of visiting La Jolla this January to escape the New England cold,

and were so happy to see the protection afforded the mother seals and your efforts to preserve their habitat.

Please keep up the good work!

I support the 10 year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year") and CDP Application No. 6-15-0223 A-2 ("Re-authorize use of

an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs") to protect the La Jolla Harbor Seals.

Sincerely,

Nancy Winkler
7 Central Place, Apt. A, Newburyport, Massachusetts

From: Ellen Shively
To: ChildrensPool@Coastal
Subject: Letter to CCC - CDP6-14-0691 and 6-15-0223
Date: Tuesday, May 21, 2019 8:19:55 AM

May 21, 2019

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, Ca 92108

RE In favor: Children's Pool Beach renewal of permits CDP#6-14-0691 and CDP#6-15-0223

Dear Coastal Commissioners

The agenda item being considered is one of the longest running, most contentious issues the commission has had to deal with for decades - contested by those determined to protect the rights of seals to occupy an urban beach year round and those who hail back to the concept of a beach for humans year round. The current seasonal management plan is a compromise designed to meet the desires of both user groups.

The federal, state and local wild animal protective laws are well established and usually posted for all to see. If the permits are not renewed, there would be arguments that easy and unabated beach access is a privilege granted to citizens (humans) alone and excludes any animal rights. In fact, seasonal access to this beach is in accord with these laws and the city has the obligation to enforce them. To strip away these permits would lead to "the law of the jungle" with an inevitable danger or injury to one or the other. Do we really want to return to barbaric clashes between opposing points of view when we have before us a truly effective management plan?

The shared use plan passed in 2014 came with conditions to be investigated by the city for a five year trial period. The city has conscientiously investigated the set of conditions. Professional contractors were employed to evaluate each contingency. The report is 1385 pages long and extensively covers each of the required categories. Briefly, the ADA issue is considered mute due to the small size of Casa Beach relative to the large ramp structure suitable for a safe entry for wheelchairs. Secondly, the sand cleaning inquiry was deemed environmentally incompatible with an area of special concern, given the depth of sand removal needed, where to relocate it and how to replenish it with northern imported sand without denuding those beaches and damaging the sandstone cliffs. Thirdly, the health department stated that the results of bacterial testing indicate an improvement since its inclusion in

laboratory testing The tests were run on bacterial counts, not to assess health risks to humans The seal waste actually contributes to the marine food web. Fortunately, no definitive bacterial counts from seal waste have been proven to be a factor in human diseases as noted in the report. Such data will be included in future testing. Until then, signage at the beach cautions swimmers to enter the water at their own risk. The beach is open between pupping seasons for warmer weather recreation.

On these three counts, the city has recommended the current management plan be continued as is currently in place.

There are several more reasons why the two permits should be renewed by your vote today. The beach is a designated rookery, and as such, is in line with the seventeen other rookeries along California beaches which close for the annual pupping season. Without this prohibition, the convenience of accessing this beach with its double set of steps right into the birthing and nurturing areas are vulnerable to a public in need of “viewing manners”. Signs of distress exhibited by the seals are frequently ignored by an eager visitor as though the beach is an “animal petting zoo”. The resulting stress of close proximity may not be apparent to the human, the animals may “flush”, thus breaking up their rest and recuperative beach time.

While not perfect for the animals, the current policy serves to minimize the stresses for the seals during their most vulnerable time, the pupping season.

Thank you.

Ellen Shively
6011 Cumberland St.
San Diego, Ca 92139-3116

From:	Cameron Mehta
To:	ChildrensPool@Coastal
Subject:	10 yr renewal
Date:	Saturday, May 25, 2019 8:47:28 AM

Please renew the 5 months of beach closure at Casa Beach per annum to support the seals we neighbor. I am a long time native and would rather see the seals safe and our oceans protected that allow people to disturb their habitat. Thank you and I am very hopeful that the current ruling is extended an additional 10 years at minimum.

Thank you

CM

--

Cameron Mehta

760-666-0358

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The information contained in this email is confidential and privileged. Please be notified that any use, review, distribution or copying of this email is strictly prohibited. If you have received this email by error, please delete it and notify the sender immediately. Thank you.

From:	Shelly Stock
To:	ChildrensPool@Coastal
Subject:	Approve the 10year renewal of La Jolla Seal Protection
Date:	Wednesday, May 29, 2019 9:18:44 AM

Dear Coastal Commisioners,

I support the renewal of
CDP Application 6-14-0691 A-1
Closure of Children's pool beach to all public access during Harbor seal popping season December 15 to May 15
of each year and also the
CDP Application 6-15-0223 A2
use of guidline ropes to protect the seals.

I am originally from southern California and travel back often, with many family members and friends there who care of the environment and habitats of wildlife/sea life.

Thank you for protecting the sea life and the seals in this case.

Sincerely,
Michelle Stock

9522 E 29th St.
Tucson, AZ 85748

From:	Rachel Ray Manis
To:	ChildrensPool@Coastal
Subject:	Approve the 10-year renewal of the La Jolla Seals Protections
Date:	Tuesday, May 28, 2019 9:51:55 PM

Dear Coastal Commissioners,

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.

The lives of baby seals are far more important than keeping one of MANY beaches open to the public. We need to protect our wildlife. With as much danger our seals face from people, leaving "ghost nets" in the ocean, trash that chokes them, not to mention the natural dangers facing our seals, roping off the beach to protect them is the least we can do to respect these wild and wonderful animals.

The seasonal beach closure has reduced seal harassment to zero during the pupping season while dramatically reducing police calls with no citations issued at all. The closure restored the calm needed for the seals to give birth and nurse their pups in a natural environment free of human harassment during this critical time, while maintaining the unique viewing experience that remains open for all locals and tourists alike to enjoy.

The guideline rope has been successful in preventing human harassment of the harbor seal colony during the non-pupping-season months. Without the rope, people can get too close to the seals. They will scare them by trying to pet them, or trying to take selfies with them, surrounding the seals and blocking their escape route to the ocean.

Please approve the 10 year renewal of the protections, it has done so much good for these animals we should not end their protection now.

Sincerely,

Rachel "Ray" Manis
RachelRayManis.com
815.200.9729

From:	Joe S
To:	ChildrensPool@Coastal
Subject:	Approve the 10-year renewal of the La Jolla Seals Protections
Date:	Tuesday, May 28, 2019 10:04:49 PM

Dear Coastal Commissioners,

My name is Joe Steppan. I am writing to let you know that I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals. Thank you for reading, I truly appreciate it and hope you help protect these intelligent creatures.

Sincerely,

Joe Steppan

From:	Laurel Karlo
To:	ChildrensPool@Coastal
Subject:	Approve the 10-year renewal of the La Jolla Seals Protections
Date:	Wednesday, May 29, 2019 5:18:02 AM

Dear Coastal Commissioners,

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.

Sincerely,
LaurelKarlo

We saw the seals for the first time this year while on our vacation. That changed my life. Please help!

From: Phyl Mo
To: ChildrensPool@Coastal
Subject: Approve the 10-year renewal of the La Jolla Seals Protections
Date: Sunday, May 26, 2019 5:41:43 AM

Dear Coastal Commissioners,

PLEASE PROTECT OCEAN WILDLIFE. PROTECT LA JOLLA HARBOR SEALS. IMPORTANT IMPORTANT IMPORTANT

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.

Sincerely,
Sent from Mail for Windows 10

From:	Alice Savage
To:	ChildrensPool@Coastal
Subject:	California Coastal Commission
Date:	Saturday, May 25, 2019 10:46:03 PM

Dear Coastal Commission:

I am writing you to please renew the permit at Casa Beach in La Jolla for another ten years to protect the Harbor Seals.

Fondly,

Alice Savage

May 28, 2019

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, Ca 92108

RE In favor: Children's Pool Beach renewal of permits CDP#6-14-0691 and CDP#6-15-0223

Dear Coastal Commissioners:

It is critical that you renew your support for the 5-month winter beach closure and for use of the guideline rope during the 7-month summer open beach for the proposed 10-year period.

There are a number of reasons why the two permits must be approved:

- Casa Beach is a designated rookery (NOAA 2000), and as such, is in line with the sixteen other rookeries along the California coast which close for the annual pupping season. Without this prohibition, the birthing and nurturing areas are vulnerable to the public.

- A "marine mammal park" was added to the 1931 land grant in 2008 (Kehoe), giving the seals a legal right to reside on this beach. In fact, the nearest rookery is 160 miles away in Ventura County.

- Federal, state and local wild animal protective laws are well established and usually posted for visitors to see. Unfortunately, these laws are not well enforced.

- The city has an obligation to implement protective laws and has recommended that the current management plan be continued.

- The California Coastal Act gives precedence to the protection of "environmentally sensitive habitat areas", ESHA, and supports seasonal restrictions.

- Studies have shown that seal deposition contributes essential nutrients and bacteria important for the growth of the all marine and vegetation species in the food chain. As such, the results of human behavior altering seal behavior gravely and adversely affect the entire ocean ecosystem, which is already compromised by climate change.

- Throughout the five-year trial period, there have been few public confrontations between pro-beach and pro-seal groups as observed by Seal Society Docents, rangers

From:	KL N
To:	ChildrensPool@Coastal
Subject:	Important Renewal of Children's Pool Beach permits CDP #6-14-0691 and CDP #6-15-0223
Date:	Saturday, May 25, 2019 4:32:24 PM

California Coastal Commission,
7575 Metropolitan Drive, Suite 103
San Diego 92108

Re: Children's Pool Beach renewal of permits CDP #6-14-0691 and CDP #6-15-0223

Dear Commissioners:

The San Diego City Council and the California Coastal Commission (CCC) voted in 2014 in favor of winter beach closure (12/15 to 5/15) to protect the La Jolla seals during the vulnerable pupping season and in 2015 to maintain the guideline rope during the summer non-pupping season from 5/16 to 12/14. Please renew your support for the 5-month winter beach closure and the use of the guideline rope during the 7-month summer open beach for the proposed 10-year period on June 13, 2019.

If these protective permits are not approved, seal harassment will continue unabated and innocent seals may suffer from stress, fatigue, and malnutrition, especially mothers and pups. It has been reported that if people get too close to the seals, causing them to stampede into the water, and mothers may abandon their pups, which can result in pup mortality. Please help us preserve this special place where the seals are protected in their natural habitat and all of us can enjoy the rare experience of watching them up close.

Thank you so much for your support on this critical concern!
Sincerely,

Karla Nolan
13037 Corona Way
Poway, CA 92064
(858)668-9997

From:	Shane Nolan
To:	ChildrensPool@Coastal
Subject:	Renewal of Children's Pool Beach permits CDP #6-14-0691 and CDP #6-15-0223
Date:	Saturday, May 25, 2019 4:51:01 PM

California Coastal Commission,
7575 Metropolitan Drive, Suite 103
San Diego 92108

Re: Children's Pool Beach renewal of permits CDP #6-14-0691 and CDP #6-15-0223

Dear Commissioners:

The San Diego City Council and the California Coastal Commission (CCC) voted in 2014 in favor of winter beach closure (12/15 to 5/15) to protect the La Jolla seals during the vulnerable pupping season and in 2015 to maintain the guideline rope during the summer non-pupping season from 5/16 to 12/14. Please renew your support for the 5-month winter beach closure and the use of the guideline rope during the 7-month summer open beach for the proposed 10-year period on June 13, 2019.

If these protective permits are not approved, seal harassment will continue unabated and innocent seals may suffer from stress, fatigue, and malnutrition, especially mothers and pups. It has been reported that if people get too close to the seals, causing them to stampede into the water, and mothers may abandon their pups, which can result in pup mortality. Please help us preserve this special place where the seals are protected in their natural habitat and all of us can enjoy the rare experience of watching them up close.

Thank you so much for your support on this critical concern!
Sincerely,

Shane Nolan
13037 Corona Way
Poway, CA 92064
(858)668-6227

From:	mazuki99
To:	ChildrensPool@Coastal
Subject:	Request
Date:	Saturday, May 25, 2019 4:57:04 PM

Hello, my name's Benjamin and I'm from San Diego. I'm sending this to ask if you'd please allow for a permit renewal of 10 years to help protect the harbor seals at Casa Beach in La Jolla. Their lives matter and many supporters are on board, such as Sea Shepherd San Diego and Seal Society of San Diego. Please feel free to reply and have a nice day!

Benjamin Gutierrez
San Diego, CA 3762 National Ave. 92113

From: Tracy Pearson
To: ChildrensPool@Coastal
Subject: Permit Renewal at Casa Beach
Date: Sunday, May 26, 2019 8:21:55 AM

Dear CCC,

I beg of you to please renew the permit at Casa Beach in La Jolla in order to protect the Harbor Seals. I bring my family to San Diego every year for vacation, and I want to continue for years to come. We have other beaches to go to, this permit us very important!!

Thank you,
Tracy Pearson
327 Iowa Court
Carol Stream IL
60188

From:	Brian Bowers
To:	ChildrensPool@Coastal
Subject:	Please approve the 10 year renewal of the La Jolla Seal protections
Date:	Monday, May 20, 2019 4:53:29 PM

Dear Coastal Commissioners,

I am a voter. I surf in La Jolla. Whenever guests visit me from out of town I am sure to take them down to see the seals at the Children's Pool.

I support the 10 year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year") and CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs") to protect the La Jolla Harbor Seals.

Sincerely,

Brian Bowers

7250 Macquarie St

La Mesa, CA 91942

From:	Tydrien Dawnstar
To:	ChildrensPool@Coastal
Subject:	Please approve the 10 year renewal of the La Jolla Harbour Seal Protections
Date:	Tuesday, May 28, 2019 9:08:56 PM

Esteemed Coastal Commissioners,

I am submitting this letter of support for the following two items to help protect the Harbour Seals at La Jolla's Children's Pool:

• The 10 year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year")

• CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs")

Thank you very much for your time and consideration!

Sincerely,
Krystel Cooper
Irvine, CA

From:	John Grasberger
To:	ChildrensPool@Coastal
Subject:	Protect the La Jolla Seals!
Date:	Wednesday, May 15, 2019 9:17:26 AM

Gentlepersons,

I support the 10 year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year") and CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs") to protect the La Jolla Harbor Seals. They're a great compromise, and, while you can never please everyone, these proposals strike a reasonable balance.

Cheers.



John Grasberger
La Mesa, CA

From:	sheila hanney
To:	ChildrensPool@Coastal
Subject:	Seals
Date:	Wednesday, May 22, 2019 8:32:24 PM

Hi
I've visited this place and observed the beautiful creatures and also the people getting too close.
The wildlife needs protecting.
Please keep the area just for wildlife.
Best wishes
Sheila Hanney

From:	Tami Cross
To:	ChildrensPool@Coastal
Subject:	PROTECT THE SEALS PLEASE! Approve Application No. 6-14-0691 A-1 & 6-15-0223 A-2
Date:	Monday, May 20, 2019 10:33:28 AM

Dear Coastal Commissioners,

I have been a supporter of the seals for years now and I have been a part of this long standing struggle to support their protection in La Jolla Cove. Please approve the 10 year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year") and CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs") to protect the La Jolla Harbor Seals.

The closure, rope and signs have made a huge difference to the health of the seals, but also to the health of La Jolla community who had constant fighting over this situation. I live close by the cove and had heart wrenching experiences there before the rope was put back in place and before the signs. I saw people kicking the seals and sitting on them to take pictures. I could not visit there, because it was too distressing. With the signs, rope and closure, I feel happy and proud when I take visitors there to see our wonderful seals.

We have a duty to protect this amazing rookery, which is so special for tourists and the community. Please approve the continuation of these protections.

Thank you!

Tamara Cross
4020 Kendall Street
San Diego, CA 92109
(858)735-2866

From:	Susan Miley
To:	ChildrensPool@Coastal
Subject:	Protecting the seals at the La Jolla Cove
Date:	Saturday, May 25, 2019 8:52:40 PM

I I am writing you to implore you to re-up the protection of the seals with barriers and ropes at the children's school in La Jolla. It's imperative that we protect these beautiful young pups and mother seals from humans that ridiculously poke and prod them and take selfies with them please despite warnings. Do the right, logical thing and re-up this protection for the next 10 years as we must preserve and protect this wonderful seal community. Please do the right thing! I'm counting on you.

Sincerely,
Susan Pintar Miley
Resident of San Diego

From:	Rustom Jamadar
To:	ChildrensPool@Coastal
Subject:	Protection of seals at La Jolla
Date:	Sunday, May 19, 2019 3:11:17 PM

Dear Commissioners,
Please grant a 10 year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year") and CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs") to protect the La Jolla Harbor Seals. Here's why:
1. When seals are not protected from human approach and contact, they are liable to suffer stress and death. This is easily visible along the unprotected stretch of shore between La Jolla Cove and the Children's pool. Several sea-lion pups are lying dead as a result of people getting right next to the animals and taking selfies or photos of their families. Some pet the vulnerable pups. As a result, the mothers often abandon these pups and they die. People may be well-meaning, but such close proximity and contact is deadly for these cute creatures.

2. Protecting seals and sea-lions makes them come back to these pupping areas, resulting in increased tourism and large economic benefits to the San Diego.

3. Regardless of the economic benefit, the recreational value is priceless. I bring all my out-of-town visitors to the Children's Pool, and they are always wow'd.

I urge you to take similar protective measures along the shoreline from Children's Pool to La Jolla Cove. The unchecked trampling is severely eroding the banks and seal and sea-lion pups are ending up dead.

Thank you for your consideration of the matter and for support of continued protection of Children's Pool.

Sincerely,
Rustom Jamadar
28 year resident of San Diego

.

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MAY 22 2019
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission,
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Re:Application Nos. 6-14-0691-A1 and 6-15-0223-A2
(Children's Pool Closure and Rope Barrier)

Dear Coastal Commissioners,

I am writing in support of the continued closure of Children's Pool during Harbor Seal pupping season, and the installation of a rope barrier between the seals and humans for an additional 10 years.

The five-year trial period has been a benefit to the public and the seals and should be continued.

Thank you,

Donna Frye

Donna Frye

May 19, 2019

May 13, 2019

To: California Coastal Commission

From: Pam Thomas

Re: CDP # 6-14-0691 A-1 and CDP # 6-15-0223-A-2

CDP # 6-14-0691 A-1

CDP # 6-15-0223 A-2

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Dear Commissioners;

My name is Pam Thomas. I am a volunteer docent at Children's Pool in La Jolla, CA. Several people from out of state have sent me correspondence in support of the seasonal beach closure and the open beach guideline rope. I feel obligated (and pleased) to send their voices on to you.

Please consider their concerns and opinions. We all ask that you vote to continue the current protections provided for the harbor seals.

Thank You,

Pam Thomas

Pam Thomas
7350 Golfcrest Pl. #1013
San Diego, CA 92119

CDP #6-14-0691 A-1
CDP #6-15-0223 A-2

Dear California Coastal Commission,

I would like to encourage you to please consider continuing the seasonal beach closure of Casa Beach/Children's Pool during harbor seal pupping season. Although not endangered, these seals still need protection from human interference. They need time during the seasonal beach closure to rest, prepare for birthing, have uninterrupted space to birth and quiet time to nurse and nurture their pups.

I also encourage you to continue with the guideline rope for when the beach is open for shared use. For people who want to come to Casa Beach/Children's Pool to see the harbor seals, a guideline rope is a great indication of how close one should be. There is no need for anyone to cross the rope if they are on the beach to see these animals.

These seals are an asset to San Diego and La Jolla and should be treasured, not seen as a nuisance. It is a great place for people to witness nature in a natural setting and observe natural behavior. I cannot tell you how many times I have visited the beach during pupping season and how excited tourists get when they learn a harbor seal is in labor, witness a birth and watch a newborn pup learn to swim, nurse and play.

Sincerely,

Tamara Burkamper

Tamara Burkamper

Hampstead, NC

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

CDP #6-14-0691 A.1
CDP #6-15-0223A-2

Subject: **Seal Protections Letter**
Date: 4/2/2019 11:53:15 AM Pacific Standard Time
From: alexnwojcik@gmail.com
To: pamtseals@aol.com

Hi Pam,
I saw the post on Facebook about the CCC meeting and here is my letter. I included a picture of the seals I took a while back from the sea wall.

I moved to San Diego in 2014 and the seals at La Jolla helped me fall in love with my new home. The seals have always had the protections in my time here and for the safety of the seals and people it should remain that way. Closing the beach in the pupping season allows for the pups and their mothers to rest and grow in peace. The guide rope helps people share the beach with the seals for the rest of the year. These protections allow us to enjoy the beauty of nature and should be continued in the future.

Thank you,
Alexandra Wojcik

1Attached Images



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SAN DIEGO COAST DISTRICT

CDP #6-14-0691 A-1
CDP #6-15-0223 A-2

To whom it may concern,

It has come to my attention that the City of San Diego is trying to open Casa Beach all year round. This would do a serious disservice to the community and to the seals. The seals of La Jolla deserve to have the ability to raise their young safely. The seals of La Jolla are also a large tourist attraction. Anything that negatively impacts the seals could have a detrimental effect on income from tourism.

I beg you all to consider the life and well being of the seals. Do they deserve less simply because they are not human?

Please do not open the beaches all year.

Thank you,
Gabrielle Scoles
A seal lover from across the country

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

CDP #6-14-0691 A-1
CDP #6-15-0223 A-2

Subject: **Casa Beach**
Date: 4/2/2019 10:37:45 AM Pacific Standard Time
From: KKing456@hotmail.com
To: Pamtseals@aol.com

To the SD City Council and Coastal Commissioners:

Please keep the current protections for seals in place, including the beach closure and guideline ropes.

Watching the seals and pups not being harassed is nicer for the locals and tourists who enjoy watching the seal families.

Thank you,

Kathleen King
PO Box 604
Ramona, CA 92065
kking456@hotmail.com

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MAY 21 20
CALIFORNIA
COASTAL
SAN DIEGO

CDP #6-14-0691 A-1
CDP #6-15-0223 A-2

Deborah Jones
Seasonal beach closure
Apr 7, 2019 at 2:48:27 PM
pamtseals@aol.com

To whom it may concern at the Coastal Commission:
I am in favor of keeping the seasonal beach closure to protect the seals and their pups. I feel the closure has done a good job keeping the public - and their selfie sticks - at bay. Keeping the public out is only for a short time and is totally worth not having the mothers abandon their pups due to disturbances.
Thank you,
Deborah Jones
San Diego, CA 92126

CDP #6-14-0691 A-1
CDP #6-15-0223A-2

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MAY 21 2019
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



Laura Zertuche It should be closed at all times so the seals can enjoy and rest peacefully the seals want to lay out on the beach sun as well as ppl do?



Harbor Seals It is too bad that they cannot have at least one all year round protected beach. You would be amazed at what we can learn from watching them interact throughout the year. We are fortunate enough in the Monterey area to have a year round rookery that is protected. I hope one day, your seals can have the same protection.



Angie Holdegraver I will get my letter to you. As a volunteer here in Sausalito I strongly support what you all do. I put in a 10 hour shift rehabilitating our group of 15 Harbor Seals yesterday..



I am VERY glad to see the pup's coming. I hope we can control the people to allow the Mom's and pups a little bit of freedom.

PLEASE don't force the seals to flush.

May 14, 2019

California Coastal Commission,
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Dear Commissioners,

Please renew the permits to close Casa Beach for another decade during harbor seal (*Phoca vitulina*) pupping season (Children's Pool Beach permits CDP #6-14-0691 and CDP #6-15-0223).

I'm a San Diego resident with a science background and the only two natural history field guides devoted to the flora and fauna of San Diego's Underwater Park. Consequently, while I'm well-aware of the politics surrounding our local harbor seals, more importantly, I'm knowledgeable about these uniquely situated animals who both biologically enrich the nearshore kelp forest and enrich the life experience of people who go to see them.

Have you visited the seals? If not, I hope you'll find time to take a field trip. Casa Beach is its own public library for seals, and anyone can check them out (so to speak) as often and for as much time as they want. It's not unreasonable that 5 months out of the year, harbor seals be allowed their time to give birth and nurse their young (it's a visual experience you can't get by reading a book), when 7 months out of the year, humans can use this tiny beach as well. Considering that there are 75 miles of coastline in San Diego County and that Casa Beach is the only designated rookery south of Ventura County (160 miles away!), what can be behind those who begrudge these charismatic creatures a minuscule piece of coastal real estate?

As a scuba diver for over 35 years, I have been to islands well offshore to see pinniped rookeries but it's rare that most people, be they locals or tourists, will board a boat with hopes of such a thrilling encounter. It seems improbable, then, that we would be lucky enough to have—ensconced in our urban backyard—a seal populace where everyone can closely observe, ooh-and-aah, and otherwise take pleasure in learning about this wildlife up close and in the act of being themselves.

Thank you for helping protect our harbor seals. Your pro-seal vote informs your excellent legacy as well.

Judith Garfield
Box 293, La Jolla, CA 92038
jgarfield@ucsd.edu
Author: The San Diego-La Jolla Underwater Park Ecological Reserve:
Vol. 1, La Jolla Cove; Vol. 2, La Jolla Shores & Canyon

California Coastal Commission,
7575 Metropolitan Drive, Suite 103
San Diego 92108

Re: Children's Pool Beach renewal of permits CDP #6-14-0691 and CDP #6-15-0223

Dear Commissioners:

The San Diego City Council and the California Coastal Commission (CCC) voted in 2014 in favor of winter beach closure (12/15 to 5/15) to protect the La Jolla seals during the vulnerable pupping season and in 2015 to maintain the guideline rope during the summer non-pupping season from 5/16 to 12/14. Please renew your support for the 5-month winter beach closure and use of the guideline rope during the 7-month summer open beach for the proposed 10-year period.

As the Docent Coordinator and Trainer for Sierra Club Seal Society, I have witnessed on a personal level the impact of having these protections in place for the seals, in comparison to when they were not.

In pupping season prior to 2014 before the beach closure, the public, in an attempt to get up-close pictures, crowded pregnant females and mother and pup pairs, causing stress and often forcing the seals to flee into the ocean, potentially causing miscarriages and abandonment of pups by their mothers. As you can imagine, this unmanaged situation caused heightened emotional confrontations between those wanting to protect the vulnerable seals and those wanting unrestricted beach access. Rangers, lifeguards, City Council members, police and NOAA were continuously notified of violations to the Marine Mammal Protection Act (MMPA), requiring resources to be used responding to and resolving these conflicts.

Since the pupping season beach closure of 2014, the now well-managed situation has resulted in a peaceful and pleasant experience for all visitors, who can view the seals and pups in their natural setting without human interference. Very few reports of violations are made to officials, and we as docents, can spend our time educating the public and answering their questions instead of encouraging people to maintain a respectable distance, so as not to disturb the seals.

In addition, the guideline rope for the non-pupping season allows visitors access to the beach, yet provides a visual cue for viewing the seals without disturbance to their natural behavior. The guideline rope acts as a buffer for the pups, only months old, to rest on the beach and gain the weight needed to survive on their own after their brief 4-6 week nursing period.

In this era of shrinking wildlife habitat, what an incredible educational opportunity we have here for children and visitors from all over the world! Setting aside this small beach with seasonal protections for the seals, teaches youth that wildlife need and deserve a safe and secure home base to thrive. 90% of children polled want the seals protected, and state they would "rather watch seals than swim here".

Please help us to preserve this special place where the seals are protected in their natural habitat, and all of us can enjoy the rare experience of watching them up close.

Thank you,

Deborah Saracini – Sierra Club Seal Society Docent Coordinator and Trainer
1155 Camino Del Mar, #188, Del Mar, CA 92014

No Cheryl A. Nolan, Esq.
N A NOLAN LAW
ourt 3170 Fourth Avenue, Suite 250
ego San Diego, CA 92103
69- 619/369-9328
www.cherylnolanlaw.com

May 19, 2019

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Re: Children's Pool Beach renewal of permits CDP #6-14-0691 and CDP #6-15-0223

Dear Commissioners:

I am writing from my professional and personal interests in protecting the seals at Children's Pool.

I am a native San Diegan and an attorney practicing animal law. I have over 40 years experience in the dog world as the daughter of a woman owned dog training business, the Tijera Dog Obedience School (established in 1974). I am the current Vice President of the Animal Law Section of the San Diego County Bar Association (SDCBA) and the Co-Chair of the 5th Annual International Animal Law Summit, hosted by the SDCBA and held in San Diego August 22 - 23, 2019.

The San Diego City Council and the California Coastal Commission (CCC) voted in 2014 in favor of winter beach closure (12/15 to 5/15) to protect the La Jolla seals during the vulnerable pupping season and in 2015 to maintain the guideline rope during the summer nonpupping season from 5/16 to 12/14.

Please renew your support for the 5-month winter beach closure and use of the guideline rope during the 7-month summer open beach for the proposed 10-year period.

If these protective permits are not approved, seal harassment will continue unabated and innocent seals may suffer from stress, fatigue, and malnutrition, especially mothers and pups. It has been reported that if people get too close to the seals, causing them to stampede into the water, mothers may abandon their pups, which can result in pup mortality.

Please help us preserve this special place where the seals are protected in their natural habitat and all of us can enjoy the rare experience of watching them up close.

This is an all too rare opportunity for the majority of people. Dr. Sara Allen, leading harbor seal biologist, has repeatedly stressed the unique nature of this site.

The configuration of the horseshoe viewing platform allows a safe and secure viewing experience for visitors as well as seals as they sleep, socialize, forage, molt, mate and give birth in their ocean habitat. There are few others places in the world, if any, which provide this advantage.

The colony of harbor seals are a short distance from the world famous Scripps Institution of Oceanography, a place of learning for graduate studies. Seals are slow to mature and reproduce. As top of the food chain, their existence depends on a balanced ocean environment. Many aspects about their behavior are still largely unknown. We have much to learn about them.

Setting aside this small beach for animal habitat is an example to youth that wildlife need and deserve a safe and secure "home base" to thrive and that humans do not need to take all available and desirable habitats for themselves. Seals have personality, experience compassion, have complex social patterns, mourn their dead, and mother and nurture their newborns until they are self-sufficient.

Quote from Richard Louv: "Studies have shown a positive link between Children's exposure to nature and their academic performance." Polls on children have shown that 90% of children want the seals protected and have said, " they'd rather watch the seals than swim there".

Marine mammals are the top of the food chain, along with the walrus (not found in this area) and sea lions. As such, they are indicators of pollution and declining fish populations. They currently suffer the effects of global warming, habitat loss, warmer waters, toxic exposures, and are victims of fishing, boating, and loud noises which causing hearing loss.

In response to the contingencies given to the city by the CCC five years ago, the city has thoroughly researched each item. They have reported that:

a) ADA access is not feasible at Casa Beach due to its small size and the large space needed for a ramp to the water. The ADA requirement was limited to access to the mid-level bathrooms, which has been fulfilled. There is no law that requires each and every beach to have full ADA access, and there are several nearby beaches which do have access, including wheelchairs and easy ocean entry.

b) Sand cleansing is not practical due to the requirement of large sand moving equipment on the beach and the resulting major environmental damage. The removal of large amounts of sand would cause a southward migration of sand from northern beaches and erosion from the cliffs. In addition, the process would have to be repeated at least 2 times a year. The enormous expense of this monumental requirement has not been allocated.

c) The bacterial count of Casa Beach has historically exceeded state standards. The city is continuing to monitor bacterial levels and is conducting studies to proactively characterize potential sources of bacteria. However, zoonotic diseases have not been

known to be transmitted from seals to humans according to studies done at the University of Florida. Signs stating, "Swim at your own risk" are posted during the open beach season. People have the choice to swim in other local beaches.

d) The presence of the guideline rope during the open beach season is a reminder to visitors to stay "a safe distance" from the seals. A seal exhibits "disturbed" behavior by body posture or vocalizations when people are too close. This reaction indicates considerable disturbance , which is illegal. Universal signs are posted warning visitors to keep away from the seals.

Of the 17 rookeries in CA, Casa Beach was the only rookery with no access restriction or closure during pupping season (Zircle 2014). This lack of management had dire results until the CCC voted to close Casa Beach during pupping season in 2014.

Seal waste contributes to the health of the ecosystem and enhances greater species diversity. Studies have shown that seal deposition contributes essential nutrients and bacteria, which metabolize iron and phosphorus that is important for the growth of the all marine and vegetation species in the food chain (Lysak 2013, (Lavery et al. 2012), (McLoughlin et al. 2016). The understanding that marine top predators play important roles, and the consequences of removing them has been established through many studies and species, from sea otters to sleeper sharks (Heithaus et al. 2008, Estes et al. 2011). Harbor seals, for example, consume the predators of commercially important fish, and their presence can enable the recovery of these fish stocks (Li et al. 2010). Thus, the consequences of removing seals and the results of human behavior altering seal behavior gravely and adversely affect the entire ocean ecosystem.

Please vote in favor of protecting our seals.

Best regards,

Cheryl A. Nolan

Cheryl A. Nolan

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SAN DIEGO COAST DISTRICT

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JAN 06 2017
CALIFORNIA
COASTAL COMMISSION

December 31, 2016

Mr. Ken Hunrichs
President
Friends of the Children's Pool
6530 Springfield Street
San Diego, CA 92114

Re: **For now, seals to have beach to themselves**

Dear Mr. Hunrichs:

The above article appeared in the San Francisco Chronicle, which is the first time I learned about the controversy.

It included your quote: "If it's temporarily going to be closed for this winter, it's sad, but in the long run, we will prevail on the merits of our case." If the merits of your case rest on your opinion that policies place seals' welfare above human enjoyment, or, said differently, that the city has unfairly prioritized wildlife protection over the site's long history as a popular swimming spot, I personally have never heard a more asinine opinion. Actually, I would think your group would be embarrassed to voice these feelings.

Let's extract two words from your quote: "it's sad." I agree, it is sad, but for a different reason. It's sad that these children have such self-centered parents who do not realize the importance of wildlife protection. A photo also appeared in the paper, and I was very surprised to see so many people on the beach so close to the harbor seals. Instead of opposing what the City Council and California Coastal Commission are doing to protect the harbor seals during seal pupping season, the parents should use this as a teaching moment for their children, our future. Shouldn't the harbor seals be protected just as the elephant seals are at Año Nuevo State Park?

I sincerely hope your group will reconsider your position and agree to restricting public access to the beach between December 15 and May 15. Surely there are other activities for the children in San Diego.

Thank you for listening.

Sincerely,

Joanne Packer

Joanne Packer

cc: San Diego City Council; California Coastal Commission

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JAN - 3 2017
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

LAW OFFICES OF LORI R. MENDEZ

A Professional Law Corporation

Lori R. Mendez, Esq.

4267 Conner Court
San Diego, CA 92117
Tel. (619) 549-4542
Fax (619) 599-7774

Lori@Mendezplc.com

RECEIVED
MAY 2 2 2019

May 21, 2019

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego 92108

Re: Children's Pool Beach renewal of permits CDP #6-14-0691 A-1 and CDP #6-15-0223 A-2

Dear Commissioners:

I am writing to you to ask that you renew your support to extend the San Diego City Council's and the Coastal Commission's 2014 winter beach closure in effect seasonally from December 15 to May 15, and also to maintain the guideline rope during the summer non-pupping season from May 16 to December 14.

I have been a Casa Beach harbor seal docent for many years; first with the La Jolla Friends of the Seals, then the Seal Conservancy, the San Diego Seal Society, and now the Sierra Club's San Diego Seal Society. Over the years, I have witnessed first-hand, the positive difference these two permits have made in keeping the peace between pro and anti-seal factions. In practice, these two permits have allowed the space needed for pregnant, birthing and nursing mother seals, and their newborn pups, and have provided much needed guidance for throngs of people who come to visit, view and photograph these unique wild animals right in the urban setting of beautiful La Jolla during the non-pupping months.

On several occasions, I have ventured up the California Coast to view the elephant seals in Ano Nuevo State Park, and the seals there are entirely off-limits to human interaction. They are wild and protected by park rangers and trained docents. Perhaps their habitat better lends itself to 100% protection.

Here at the Children's pool, I understand that around 1.2 million people come to La Jolla annually, with a significant draw being our wild harbor seals right in the urban coastal setting of beautiful La Jolla. Without the guidance of signs, the rope, docents, lifeguards, and Ranger Rich, a large percentage of those visitors would, take selfies very near, or on top of, the seals.

Many come from different states with no ocean, coastline, or marine wildlife, while others visit from far away countries and speak different languages. With humans consistently encroaching, we have the legal duty under the Marine Mammal Protection Act of 1972, California Fish and Game Code sections 4500-450, San Diego Municipal Code section 63.0102(b) (10), The California Coastal Act, the 2009 amendment to the 1931 Tidelands Trust Agreement, and the NOAA rookery designation in 2000 to preserve the well-being of this rookery and to protect these marine mammals from harassment.

Additionally, we have a moral and ecological responsibility to preserve the well-being of this rookery and to protect coastal wildlife, including the Casa Beach (aka "Children's Pool") harbor seals, from harassment by humans. Further, though I do not have supportive financial data, the harbor seal attraction must be an economic boon for the City of San Diego and the hotel, restaurant, and other business owners in La Jolla.

Most importantly, I have seen the love that children show for harbor seals. A couple of years ago, the Make-a-Wish Foundation covered the airfare to send a young, terminally ill, eight-year-old boy and his family from the east coast, cross-country to La Jolla so he could visit the harbor seals on Casa Beach. I asked this delightful young man why he decided to come here to La Jolla, then knelt to hear his answer better. This boy's eyes lit up when he explained with a big smile, that he had heard about the harbor seals in school. He told me ever since he could think of nothing else that he wanted to experience in the world than to visit our seals and their pups. Being at the beach that day, meeting this young man, and sharing our seal experience was a high privilege, brought me to tears, and deeply touched my heart.

Another unforgettable experience at Casa Beach happened early on in my docent career, on a rainy afternoon in early March. The rain had just ceased, and no sooner at the base of the stairs did I and about 10 diehard completely silent and awestruck visitors have the privilege of seeing what I call a "double wide" big mama, waddle to the bottom of the stairs and moments later, give birth to a beautiful, healthy pup. Pure magic! I instantly fell in love, as did all of the visitors. Immediately after the pup was born, we all looked on as mom made sure the pup was a-ok, and then performed the requisite nose-to-nose identification. Imprinting and bonding followed. The exhausted mother then turned over onto her side, and with milk leaking out of her retractable nipples, encouraged her newborn to nurse. With only around six weeks to fatten him or her up, there is no time to waste! Real-life, education in real-time, at its finest! To see life and death play out on Casa beach over the years has been a remarkable experience.

My final experience is one that happened every time I would go down to the beach. I met beautiful people of all ages and cultures; many of whom spoke different languages. The seals in this special setting allowed me to bridge all of those gaps and reach out to hundreds of good people from near and afar. All were grateful for the opportunity to spend time with the seals,

and for the information the Sierra Club Seal Society docents imparted about the harbor seals, the sea lions, La Jolla, and San Diego. All of it was free. I feel as though I am as much an ambassador showcasing the best San Diego has to offer, as I am a harbor seal docent.

In sum, against all odds and in spite of terrible, unspeakable acts by some humans, the Casa Beach harbor seals have adapted to their urban home. We are lucky to have them. Let us give them the protection they have earned. If there must be a change, please support giving them more protection by supporting night-time beach closure and the return of an educational and protective Seal cam. Let's do a better job of educating our visitors with a short film like they show visitors in Hanauma Bay before they are allowed to go down onto the beach, and swim above the coral reef. With more well-trained volunteer docents, clear instructions to lifeguards and funding for our rangers and prosecutors, as needed, let's set a good example and show the world how much we in California, and this jewel of a spot, value, support, love, respect, and care for the harbor seals that have made La Jolla their home, and in so doing have made our home a better place for our visitors and for us.

The seals will always remain front and center in my heart. Their thriving existence represents the good in people, and the hope I hold out for our world and my children. Thank you for your consideration.

Sincerely,

Lori R. Mendez

Lori R. Mendez, Esq.,
MAS-Marine Biodiversity & Conservation

From: Angela Chen
To: ChildrensPool@Coastal
Subject: Support for the 10-year renewal of the La Jolla Seal Protections
Date: Friday, May 10, 2019 12:42:44 PM

Dear Coastal Commissioners,

The La Jolla seals are a critical characteristic of the beautiful beaches of La Jolla. Thousands of tourists visit to watch these seals, bringing in income for the local businesses. La Jolla has a positive reputation for its excellent wildlife viewings and nature. Schools from all over San Diego county have educational field trips to visit this unique place. I wholly support the partial closure of the beach during pupping season to prevent wildlife harassment and prevent injures to visitors. If the seasonal closure of the beach is not renewed, there can be people who can aggressively approach the seals for photographs, or trying to grab the pups. The proposed 10 year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year") and CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs") are both systems that have served La Jolla well so far. Please consider this to protect both the La Jolla Harbor Seals and the residents and tourists who appreciate them.

Sincerely,

Angela Chen, a lifelong resident of San Diego.

From:	Toby Gad
To:	ChildrensPool@Coastal
Subject:	The Children"s Pool in LaJolla
Date:	Sunday, May 12, 2019 9:46:13 PM

Dear Coastal Commissioners,

We have come to visit the Seals at the LaJolla Children's Pool dozens of times eversince our daughter was one year old. Many times we witnessed loud shouting matches between local groups and animal rights ativists but the last few years it has become a lot more peaceful and we have seen the rope and the beach closure during pupping season which keeps people away from the seals.

We have now learned that there will be a hearing that will determine if San Diego will end the program with the rope and the pupping season beach closure just because of the nonsensical arguments of a few local groups who want to take the beach away from the seals.

The lifeguards told me that one million people come every year to see the seals. That is quite good for the economy. We certainly came many times just to see the harbour seals, we even saw them give birth and it was unforgettable for us and our daughter.

Can you tell me of one other place in all of America (other than the difficult to access channel islands) where visitors can witness harbor seals give birth? I dont think there is another place like this. Isnt it worth protecting?

Sincerely,
Toby Gad

** PETITION TO THE CALIFORNIA COASTAL COMMISSION **

I support the closure of Casa Beach to all public access during the harbor seal pupping season, December 15 to May 15 annually, as approved by the San Diego City Council on February 24, 2014 and the California Coastal Commission on August 14, 2014.

	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
1	Kieve	Kavanaugh	kievek@yahoo.com	Scottsdale	AZ	US		5/14/2019
2	Francesca	Reggiani	fraffri@yahoo.it			Italy		5/13/2019
3	Penny	Knights	pennaloopy@aol.com					4/26/2019
4	Christine	Carson	christineacarson@gmail.com					4/25/2019
5	Nicola	Carson	colacarson@mac.com	West Hollywood	CA	US	(929) 888-6515	4/24/2019
6	Doug	Dowling	douglasrdowling@gmail.com					4/19/2019
7	Anne	Graham	annegraha@msn.com	Liverpool		UK	(788) 170-7858	4/5/2019
8	Sonia	Waddell	s.e.waddell@talk21.com	Manchester		UK		4/5/2019
9	Mary	Betteridge	mebetteridge@yahoo.co.uk					4/5/2019
10	Justin	Lloyd	justinjunk24@gmail.com	Newport Beach	CA	US	(949) 759-5533	3/27/2019
11	Julie	Dixon	whooleeay@yahoo.com	San Diego	CA	US		3/26/2019
12	Antonette	Gutierrez	onesolsrchr@hotmail.com	Imperial Beach	CA	US	(808) 542-2941	3/26/2019
13	Pau	Morón Castro	paudiver@gmail.com	Barcelona	Catalonia	Spain	(65) 182-4766	3/26/2019
14	Lisa	Ciani	lisa.ciani@gmail.com					3/24/2019
15	Toby	Gad	toby.gad@gmail.com	Los Angeles	CA	US		3/22/2019
16	Marta	Styczynska	marta_styczynska@yahoo.it	Prievidza	Slovakia	Slovensko		3/21/2019
17	Kenneth	Aven	krane7@roadrunner.com	Rancho Cucamonga	CA	US	(909) 476-0858	3/21/2019
18	Dana	Nassiri Park	dananassiri88@gmail.com					3/20/2019
19	Samuel	Park	skayp27@gmail.com					3/20/2019
20	Scott	Riggs	scottriggs1@hotmail.com	San Diego	CA	US		3/19/2019
21	Ivan	Hurtado	ivan.hurtado@gmail.com	San Diego	CA	US	619-886-5140	3/19/2019
22	Patricia	Mcdonald	patmcdonald@cfl.rr.com	Winter Park	FL	US	(407) 539-3025	3/19/2019
23	Kelley	Martin	kmartin9999@hotmail.com	Del Mar	CA	US		3/18/2019
24	Elisabeth	Carroll	ehcarroll15@gmail.com					3/18/2019
25	Julia	Voronina	j.voronina@mail.ru	Moscow		Россия	(985) 922-1584	3/18/2019
26	Julia	Waller	polan@tiscali.co.uk	London	London	UK	20 72 74 28 01	3/18/2019
27	Inge	Hollander	inge_hollander@hotmail.com					3/18/2019
28	Laura	Canaletti	laura_canaletti@yahoo.com			Belgium		3/18/2019

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
29	Murat	Bilen	mbilen33@hotmail.com					3/17/2019
30	Kelly	Nordstrom	kellynordstrom96@gmail.com	Spring Valley	CA	US	(619) 759-3097	3/17/2019
31	Julie	Naggar	j.naggar@sbcglobal.net					3/17/2019
32	[redacted]	[redacted]	[redacted]					3/17/2019
33	Leila	Dooley	ldooley1@cox.net			US		3/17/2019
34	Ralitsa	Atanasova	consolida@abv.bg					3/17/2019
35	Elisabeth	Sherman	elisabeth.sherman@me.com	Sebastopol	CA	US	(707) 824-8000	3/17/2019
36	Katie	Quint	krquint@aol.com					3/17/2019
37	Stacey	Willis	staceyrwillis@gmail.com	La Jolla	CA	US	(480) 213-5703	3/17/2019
38	Marnie	Salazar	marniesalazar@me.com					3/17/2019
39	Corrina	Parker	kayshee11@gmail.com	Toowoomba	QLD	Australia		3/16/2019
40	S	Wolf	swolfmail@gmail.com					3/16/2019
41	Tararachelle	Baker	earthgyrly@yahoo.com	San Diego	CA	US		3/16/2019
42	Sabine	Prather	sabineprather@gmail.com	San Diego	CA	US		3/16/2019
43	Diane	Nygaard	dnygaard3@gmail.com	Oceanside	CA	US		3/16/2019
44	Terrie	Hauser	onlydaughterone@yahoo.com	Fairfield	OH	US	513-858-2607	3/16/2019
45	Mariamni	Heracleous	nazaret@cytanet.com.cy	Nicosia	Cyprus	Cyprus		3/16/2019
46	Niall	Fritz	nfritz5@gmail.com	San Diego	CA	US		3/16/2019
47	Joseph	Cordaro	jmako21@yahoo.com					3/16/2019
48	Daniela	Fernandes	daniela.fernandes@live.com.pt					3/16/2019
49	Steve	Souza	seatdude@gmail.com					3/16/2019
50	Tracey	Aquino	traceyaquino@gmail.com	Virginia Beach	VA	US		3/16/2019
51	Clara	Halfin	logcabinh@frontiernet.net	Parsons	WV	US	(304) 478-2388	3/16/2019
52	Doride	Jansen	doridjansen@hotmail.com	Rotterdam		Nederland		3/16/2019
53	Susan	Gunther	sgunther1@verizon.net	Beacon	NY	US		3/16/2019
54	Ole	Gron	olegron@att.net	San Diego	CA	US	(858) 254-5571	3/16/2019
55	Chiaren	Cushing	chiarenc@yahoo.com	San Diego	CA	US	(858) 337-4195	3/16/2019
56	Jessica	Busca	jessicabusca@hotmail.com	St.catharines	Ontario	Canada		3/16/2019
57	Marsha	Ross	nikkel98@hotmail.com	Palm Harbor	FL	US		3/16/2019

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58	Dana	Stein	dana@danasteinonline.com	Poway	CA	US	(877) 387-6157	3/16/2019
59	Britt	Conroy	bxc41@case.edu					3/16/2019
60	Lauryn	Jenkins	lauryn.jenkins@mac.com	London		UK	(750) 077-5521	3/16/2019
61	Andrea	Chisari	achisari@cfl.rr.com	Mims	FL	US	(321) 383-1301	3/16/2019
62	Cynthia	Hull	cmeow2000@yahoo.com	Gallup	NM	US	(505) 409-9194	3/16/2019
63	Viena	Bone	viena.bone@gmail.com	San Diego	CA	US	(619) 417-2261	3/15/2019
64	Ann	Hubler	ahubler@me.com	San Diego	CA	US	858/414-4797	2/21/2019
65	Kyler	Keuning	superkyler8000@yahoo.com					2/21/2019
66	David	Keuning	dbk3000@yahoo.com					2/21/2019
67	Paula	Cross	pcsd4me@yahoo.com					2/21/2019
68	Cara	Cross	caraqc@gmail.com	San Diego	CA	US		2/21/2019
69	Mike	Hood	hooder1640@hotmail.com	Poway	CA	US	(858) 254-8449	2/21/2019
70	Teresa	Boardman	steveandteresa2017@gmail.com	Lakeside	CA	US		2/21/2019
71	Emily	Turner	emlow44@yahoo.com					2/17/2019
72	Lacey	Henry	laceyataylor@yahoo.com					2/1/2019
73	Marina	Kistrul`	marin1108@ya.ru					12/11/2018
74	John	Danforth	jdanforth1947@gmail.com					11/12/2018
75	Rachel	Toth	rachel.k.toth@gmail.com	Tucson	AZ	US		9/30/2018
76	Perla	Solares	perla_solares@yahoo.com					9/21/2018
77	Ekaterina	Grekova	www-katia-3@yandex.ru					9/20/2018
78	Caroline	Acheatel	cache012@gmail.com	La Jolla	CA	US		9/7/2018
79	Mariana	Briones	mbrio002@fiu.edu	Miami	FL	US	(786) 837-4868	8/8/2018
80	Robert M/caro	Reed	rreed@va.metrocast.net	Hardyville	VA	US	-	7/9/2018
81	Mike	Sanders	msanders177@gmail.com					6/30/2018
82	Martha	Guhlich	guhlichmartha@yahoo.de	Munich		Germany		6/17/2018
83	Paulo	Nührich	paulo.nuhrich@terra.com.br	Porto Alegre	RS	Brasil		6/10/2018
84	Phyl	Morello	1432phyl@gmail.com	White Pine	CA	US		6/10/2018
85	Bu	Morel	fasterphyl@yahoo.com	White Pine	TN	US		6/10/2018
86	Debera	Calvello	debrany19@aol.com	Weehawken	NJ	US		6/10/2018

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
87	Emma	Rugari	emma.rugari@hotmail.com					6/9/2018
88	Sandra	Bywater-hoather	sandrahoather@hotmail.com	Basel	BASEL	Switzerland	Reiterstrasse 51	6/9/2018
89	Laura	Waterworth	snip-first@att.net	Aurora	CO	US	(303) 361-6799	6/9/2018
90	Joelle	Porter	joellefraser@yahoo.com	Susanville	CA	US	(530) 251-0686	6/9/2018
91	Mauricio	Carvajal	carvaggro666@hotmail.com	Santiago	metropolitana	Chile		6/8/2018
92	Natalie	Duraise	arusha21@att.net	Oak Park	IL	US		6/8/2018
93	Ki	Paul	kodimeg8@yahoo.com	Denver	CO	US		6/8/2018
94	Gerri	Baer	gerribaer@comcast.net	Malvern	PA	U.S.A.	610 408 - 0844	6/8/2018
95	Jodi	Bell	jodibell@kennebell.net	Rancho Cucamonga	CA	US	(909) 331-5113	6/8/2018
96	William	Graziano	wvgraziano@verizon.net					6/8/2018
97	Laura	Jones-bedel	catcorp1@gmail.com	San Diego	CA	US	(619) 517-9880	6/8/2018
98	David	Shannahoff-khalsa	dsk@ucsd.edu					6/8/2018
99	Twyla	Meyer	tmmacc15@aol.com	Pomona	CA	US		6/8/2018
100	Tara	Torrell	taratorrell@gmail.com	Boise	ID	US		6/8/2018
101	Sara	Bernardi	megliani.sara@it.sika.com					6/8/2018
102	Phenella	Reichen	mreichen@romandie.com	Büren An Der Aare	BE	Switzerland	(4132) 351-2160	6/3/2018
103	Marie	Luna	lunaarbol@gmail.com					6/3/2018
104	P.	Frederick	parnee@live.com					6/2/2018
105	Carol	Hoke	carolhoke08@gmail.com	Conover	NC	US		5/25/2018
106	Kaley	Scott	kaleysco@gmail.com					5/2/2018
107	Alston	Palmer	halstonpalmer@gmail.com	San Diego	CA	US		4/29/2018
108	Mary Ann	Hawke	hawkema@gmail.com	San Diego	CA	US		4/27/2018
109	Cherill	Ulibarri	indigosea11@aol.com	La Mesa	CA	US		3/29/2018
110	Hannah	Fullmer	hafullmer78@gmail.com					3/7/2018
111	Claudia	Bordin	cbdesign@surewest.net	Solana Beach	CA	US	916-736-3450	2/14/2018

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
112	Mark	Kamimura	mkamimura@yahoo.com	Stanton	CA	US	562-547-8111	12/31/2017
113	Kristin	Wise	kristinleigh59@yahoo.com	Tallahassee	FL	US		12/7/2017
114	Kendall	Chapman-ryan	kendallchapr@gmail.com	San Antonio	TX	US		11/27/2017
115	Natalie	Alban	natalie alban@yahoo.com	Middletown	CT	US		10/29/2017
116	Xiomara	Cuevas	unh.xcuevas@gmail.com	Middletown	CT	US	(718) 915-4757	10/29/2017
117	Erica	Munn	ericamunn@hotmail.com	Los Angeles	CA	US		9/28/2017
118	Elissa	Wagner	leeseve@aol.com	Aptos	CA	US		8/22/2017
119	Sara	Hahn	slhahn@gmail.com	Los Angeles	CA	US		8/16/2017
120	Leanne	Richardson	prairiedgy@aol.com					8/5/2017
121	Ian	Yarham	immyarham@googlemail.com	London		UK		7/26/2017
122	Summer	Swaine	sdswaine05@yahoo.com					7/24/2017
123	Mary	Rivas	rv221@aol.com	Riverton	NJ	US	856 786 4110	7/15/2017
124	Mai	Van	shivasice@yahoo.com	San Diego	CA	US		7/12/2017
125	Andrew	Robbins	arobb1017@aol.com	Nyc	NY	US	(212) 580-6120	7/6/2017
126	Sandy	Coughlin	sandragailj@yahoo.com	Cambridge	MD	US		7/1/2017
127	Mariel	Klosewicz	marielzub@gmail.com	Ciudad Autonoma De Buenos Aires	Capital Federal	Argentina		6/15/2017
128	Dawn	Seideman	dawnmadison1@hotmail.com	San Diego	CA	US		6/10/2017
129	Claudia	Pessoa	claudiapessoabh@gmail.com	Belo Horizonte	Minas Gerais	Brazil		6/10/2017
130	Christopher	Cole	chrisocole@gmail.com	Saskatoon	SK	CANADA		6/4/2017
131	Shantanu	Batta	shantanu_21aug@yahoo.in					6/4/2017
132	Lanette	Rapp	gtscadmom@yahoo.com	Deland	FL	US	(386) 624-7355	6/3/2017
133	Michèle	Racicot	guidogoat@gmail.com	Apple Hill	ON	Canada		6/3/2017
134	Elizabeth	Chapman	fritzberry@yahoo.com	Carlsbad	CA	US		6/2/2017
135	Miriam	Leiseroff	mariecke1123@gmail.com	San Jose	CA	US	(408) 294-7935	5/31/2017
136	Lella	Gualandi	g9.lella@gmail.com					5/31/2017
137	Juli	Shields	jshields1@stny.rr.com	Conklin	NY	US	(607) 772-8724	5/30/2017

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138	Elizabeth	Osorno	elizabeth.osorno17@gmail.com	Chicago	IL	US		5/29/2017
139	Ann-mari	Bergström	amibergstrom@yahoo.com	Helsinki		Finland		5/29/2017
140	Melitta	Ribic	sumeli@drei.at	Deutschfeistritz		Austria		5/29/2017
141	Shelley	Plumb	sheljoy@san.rr.com	San Diego	CA	US	(858) 453-5943	5/28/2017
142	Kris	Aaron	emory_kris_aaron@hotmail.com	Colorado Springs	CO	US	(719) 231-3252	5/28/2017
143	Freya	Harris	cyberkedi@hotmail.com					5/28/2017
144	C	A	claremabraham@aol.com					5/28/2017
145	Eva	Orlowski	eorlowski78@gmail.com	Woodstock	NY	US		5/28/2017
146	Ingrid	Kleinmond	lulune@aon.at	Langenlois	Niederösterreich	Austria		5/28/2017
147	Angel	Ricci	shugardiamonds@yahoo.ca	Edmonton	AB	Canada		5/28/2017
148	Anna	Astarkina	annapuh84@yandex.ru	Noviy Urengoy		Россия		5/28/2017
149	Courtney	Wall	courtneywall54@gmail.com	Benbrook	TX	US	(817) 305-3225	5/27/2017
150	Debora	Johannsen	debora.johannsen@gmail.com	Köln	NRW	Germany		5/27/2017
151	Marta	Garcia Gutierrez	martagarciagut@gmail.com	La Massana		Andorra		5/27/2017
152	Peter	Veenstra	ptveens@aol.com	San Diego	CA	US		5/26/2017
153	Andrea	Larsen	andygalaxy@yahoo.com	Brown Deer	WI	US	(608) 206-4797	5/26/2017
154	Patricia	Burke	burkepr@msn.com	Mountainside	NJ	US		5/26/2017
155	Jessica	Moody	jmoody29@yahoo.com	San Diego	CA	US	(909) 856-9511	5/26/2017
156	Izabela	Cogelja	izka@live.com	Coolidge	AZ	US		5/26/2017
157	Andrea	Smith	andreasmith1985@aim.com	Newfield	NJ	US	(856) 555-5555	5/26/2017
158	Alexandr	Yantselovskiy	yalexandr@ukr.net	Clermont	FL	Соединенные Штаты		5/26/2017
159	Liz	Rose	jefbefinn@yahoo.com	Zanesville	OH	US	(740) 451-0492	5/26/2017
160	Marko	Vodenicar	vodenus@gmail.com	Zagreb		Croatia		5/26/2017
161	Christine	Cerqueda	catcaley@ymail.com			Philippines		5/26/2017
162	Malva	Mcintosh	malvamcintosh@gmail.com					5/25/2017
163	Elisabeth	Carroll	ehcarroll@earthlink.net			US		5/25/2017

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164	Stéphanie	Le Goff	stephanielegoff@neuf.fr	Bonny Sur Loie	région Centre	France		5/25/2017
165	Boštjan	Dominc	bostjan.dominc@gmail.com	Kidricevo		Slovenija		5/25/2017
166	Larisa	Long	larisa.long@icloud.com	Woodstock	IL	US	(815) 236-3278	5/25/2017
167	Gail	Farmer	gaillfarmer416@gmail.com	Kansas City	KS	US	(913) 789-9471	5/24/2017
168	Kara	Gunderson	karagunderson1@gmail.com	Katy	TX	US	281-665-1376	5/24/2017
169	Cyndi	Lanning	cshapero2@gmail.com					5/24/2017
170	Joelle	Porter	jfraserporter@yahoo.com	Reno	NV	US	530-249-9028	5/24/2017
171	Lynda	Haines	linda.haines1@ntlworld.com	Newthorpe	England	UK		5/24/2017
172	Ingrid	Katzberg	ingridychiquita@hotmail.com	North Vancouver	BC	Canada	(604) 354-8525	5/24/2017
173	Dominique	Holy	dominiqueholy@shaw.ca	Los Angeles	CA	US	403-287-5804	5/24/2017
174	Diana	Lorne	jejaukwe@gmail.com					5/24/2017
175	Joanna	Stalker	stalker1607@aol.com					5/24/2017
176	Sylviane	Mahaux	sylvianegm@hotmail.com	Boynton Beach	FL	US		5/24/2017
177	Christian	Tate	christian.tate@gmail.com					5/24/2017
178	Matt	Larsen	get_rad@yahoo.com	Cedarburg	WI	US		5/24/2017
179	Bradley	Floyd	bradleyfloyd@gmail.com	Murrells Inlet	SC	US	(843) 325-9700	5/24/2017
180	Sabine	Greger	sabine_greger@yahoo.de	Sedona	az	US	(928) 554-1317	5/24/2017
181	Marleen	Neus	marleen.neus@telenet.be	Zele	AL	België		5/24/2017
182	Tullia	Infantolino	tulliapaola@libero.it	Rome		Italy		5/24/2017
183	C. L.	Morgan	48blackvelvet@gmail.com					5/24/2017
184	Marilee	Mclean	marileemclean@roadrunner.com	Solana Beach	CA	US	619-993-9126	5/23/2017
185	Joan	Squires	jc.vegan@yahoo.com	Oceanside	CA	US	555-555-5555	5/23/2017
186	Virginia	Mendez	virginialefay@gmail.com	Hollywood	FL	US		5/23/2017
187	Mary	Sena	mary.sena@sbcglobal.net	Wethersfield	CT	US	860-529-9494	5/23/2017
188	Angeline	Sieb	anglsieb@aol.com	Merrillville	IN	US	(219) 746-7754	5/23/2017
189	An	Scott	sterlingscott@roadrunner.com	Carlsbad	CA	US	(760) 521-8069	5/23/2017
190	Les	Roberts	hobo17pollie@gmail.com					5/23/2017
191	Melinda	Haldeman	haldejames@aol.com	San Diego	CA	US	(858) 432-4585	5/23/2017

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192	Sally	Neary	sallyneary@yahoo.com	Kent	WA	US	(425) 351-0643	5/23/2017
193	Marissa	Cabalar	mflopez03@gmail.com	San Diego	CA	US		5/23/2017
194	Sandra	Arapoudis	martheo@otenet.gr					5/23/2017
195	Tara	Duke	tara_777_phoenix@yahoo.com	San Diego	CA	US	(619) 379-8167	5/23/2017
196	Fnuggi	Olsen	fnuggiolsen@gmail.com					5/23/2017
197	Axa	Tolonen	axa.tolonen@gmail.com	Tampere	Härmälä	Finland		5/23/2017
198	Alyssa	Halcomb	alyssa_halcomb@yahoo.com	San Diego	CA	US	(858) 832-8007	5/23/2017
199	Stephanie	Marble	marble.steph@gmail.com	Carlsbad	CA	US		5/23/2017
200	Becky	Rice	ausshepards@gmail.com	La Mesa	CA	US	619 469 3748	5/23/2017
201	Maria Magdale	Mestre Vicedo	malenmv@hotmail.com	Palma De Mallorca		Spain		5/23/2017
202	Sarita	Vij	vij.sarita@yahoo.com	New Delhi		India		5/23/2017
203	Shayna	Bailey	lydiasd84@hotmail.com	Atascadero	CA	US		5/23/2017
204	Sarah	Eastin	seastin1812@gmail.com					5/23/2017
205	Krisztina	Toth	tothkri80@gmail.com					5/23/2017
206	Isabel	San Gabino	kokoamix@hotmail.com	Madrid		España	34 918579356	5/23/2017
207	Yvonne	Lopes	yvonne88.yl@gmail.com	Brooklyn	NY	US	(917) 921-7694	5/23/2017
208	Gabriele	Schmid	gabschmid@web.de					5/23/2017
209	Michelle	Rice	shellaroo@yahoo.com	Olmsted Twp	OH	US	440-235-4850	5/23/2017
210	Marie	Boukhalil	marieboukhalil@yahoo.com			france		5/23/2017
211	Isabelle	Fernandes	iza-92@hotmail.fr	Meudon La Foret	Autre	France		5/23/2017
212	Karen	Baker	kb3162@gmail.com					5/23/2017
213	Katharina	Beckord	palmito-kb@gmx.de					5/23/2017
214	Amy	Biggs	abiggs66219@yahoo.com	Vienna	VA	US		5/23/2017
215	Megan	Bornman	megan@ngntelecoms.com	Sandton		South Africa	(2711) 554-4200	5/22/2017
216	Lynne	Hynes	andlyn8@iinet.net.au			Australia		5/22/2017
217	Brent	Larsen	b.larz@larzequipment.com	San Diego	CA	US	(619) 876-3839	5/22/2017
218	Darius	Fattahipour	fattahipour@yahoo.com	San Diego	CA	US		5/22/2017
219	Lisa	Fenstermacher	lisamacdonald78@yahoo.com	Garland	TX	US	(214) 734-0832	5/22/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
220	Randi	Ross-quick	rrq33@aol.com					5/22/2017
221	Ana	Castanos	bonitalearningacademy@yahoo.com	Chula Vista	CA	US		5/22/2017
222	Diane	Beylen	beylen@att.net	Fox Lake	IL	US		5/22/2017
223	S	Wolf	slwolf@inbox.com	San Diego	CA	US	(858) 548-1006	5/22/2017
224	Cherry	Meadley	cmeadley@shaw.ca	West Vancouver	British Columbia	Canada		5/22/2017
225	Rachel	Chanes	rachelchnes@msn.com	Tucson	Az	US	520-722-0279	5/22/2017
226	Amy	Dykstra	amymoonchild@gmail.com					5/22/2017
227	Judith	Edwards	jdancergirl@hotmail.com	La Mesa	CA	US	619-313-3322	5/22/2017
228	Rosemary	Bystrak	rosemary@sddialedin.com	San Diego	CA	US		5/22/2017
229	Kenneth	Robertson	kcrmusic@kc.rr.com	Kansas City	MO	US	816 321-6006	5/22/2017
230	Madhavi	Madhurapantula	escape2ny@gmail.com	Hollis	NY	US		5/22/2017
231	Lora	Tange	lora.tange@cox.net	San Diego	CA	US		5/22/2017
232	Roxanna	Veras	rxveras@aol.com	Jackson	NJ	US	(917) 748-0838	5/22/2017
233	Sandra	Angelini	wolfarctique@hotmail.com					5/22/2017
234	Michelle	Newell	chelle4014@gmail.com	Fredericksburg	VA	US		5/22/2017
235	Elizabeth	Fattah	elizfattah@yahoo.com					5/22/2017
236	Brianna	Kohlenberg	itsbri01@q.co					5/22/2017
237	Robert	Honish	robhonish@yahoo.com					5/22/2017
238	Elaine	Al Meqdad	ebenson14@yahoo.com	Darien	IL	US	443-801-6439	5/22/2017
239	Joy	Mamoyac	salmonberries@msn.com	Corvallis	OR	US	541 754-3327	5/22/2017
240	Marilyn	Logan	mklogan19@aol.com	Prairie Village	KS	US	(913) 980-8883	5/22/2017
241	Liu	Wai Ling	diseases0@yahoo.com.hk	N.t. Hong Kong	GA	加拿大		5/22/2017
242	Anett	Eichler	aejody@att.net			US		5/22/2017
243	Katherine S	Stewart	kaytaff@sbcglobal.net	San Diego	CA	US	858-292-1233	5/22/2017
244	Lydia	Garvey	wolfhowlmama@yahoo.com	Clinton	OK	US	580-323-2327	5/22/2017
245	Hannelore	Ciccarelli	omaoropa@yajoo.com	La Jolla	CA	US	(848) 450-9883	5/22/2017
246	Cynthia	Parnell	cynthia.parnell@icloud.com	San Diego	CA	US		5/22/2017
247	Saskia	Santos	dazoo12@yahoo.com	Columbia	SC	US	352-271-0936	5/22/2017

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248	Kelly	Kilishek	ksmolinski@new.rr.com	Appleton	WI	US		5/22/2017
249	Bridgett	Heinly	kbmdogs@att.net	San Diego	CA	US		5/22/2017
250	P	Nunez	patbankers@yahoo.com					5/22/2017
251	Jo	Gibson	johanna_gibson@hotmail.com					5/22/2017
252	Judith	Cohen	jctcohen@yahooo.com	Seattle	WA	US	(206) 333-4444	5/22/2017
253	Laëtitia	Petit	old_mc@hotmail.fr					5/22/2017
254	Jessie	Santini	jessie.santini@gmail.com	Leola	PA	US	(484) 941-1189	5/22/2017
255	Kate	Cassidy	katecassidy39@googlemail.com					5/22/2017
256	Lori	Krummen	lbdaniels@ucsd.edu	Del Mar	CA	US		5/22/2017
257	Rustom	Jamadar	rustomjamadar@yahoo.com	San Diego	CA	US		5/22/2017
258	Neill	Butler	newbut@googlemail.com	Brisbane	QLD	Australia	(41) 307-7572	5/22/2017
259	Christopher	Lepple	ckl@waseda.jp	Maplewood	NJ	US	201-805-4815	5/22/2017
260	Angelo	Barla	angelo.barla@yahoo.com					5/22/2017
261	Elena	Sabadell	elenaguasch11@telefonica.net	Barcelona		España		5/22/2017
262	Anne-marie	Neckebroeck	aneckebroeck@yahoo.fr	Wetteren	Belgium	België		5/22/2017
263	M	P	morrisseyperfetti@yahoo.com					5/22/2017
264	Frances	Bell	franny.me@hotmail.com					5/22/2017
265	Diane	Aliperti	dta00051@gmail.com	North Port	FL	US		5/22/2017
266	Margit	Otterbach	margit.otterbach@chello.at	Vienna		Österreich		5/22/2017
267	Francine	Traniello	satindoll--@webtv.net	Middleboro	MA	US		5/22/2017
268	Lidia	Baltazar	lidiabaltazar@hotmail.com	Sabugal	Sabugal	Portugal		5/22/2017
269	Mika	Nash	nash.mika@gmail.com					5/22/2017
270	Yvonne	Hyatt	hyattisle@msn.com					5/22/2017
271	Robin	Goldansky	robin@robinlikeabird.com	Scottsdale	AZ	US		5/22/2017
272	Julie	Mccoy	jbrmccoy@gmail.com	Hutchinson	KS	US		5/22/2017
273	Shelva	Wood	shelvajwood2004@yahoo.com					5/22/2017
274	Carol	Hiestand	carol@rctechinc.com	Escondido	CA	US		5/22/2017
275	Judith	Basye	judithbasye@yahoo.com	Mcminnville	Or	US	(123) 566-7890	5/22/2017
276	Tammie D	Rayburn	stylechick7@gmail.com	Deerfield Beach	FL	US		5/22/2017

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277	Tina	Holroyd	tina.holroyd.zeus@ntlworld.com	Peterborough		UK		5/22/2017
278	Sabrina	Koenig	sslavicek@gmx.at					5/22/2017
279	Sarah	Friedenberg	sarahfriedenberg@aol.com					5/22/2017
280	Lanelle	Lovelace	ellel7@yahoo.com	Columbia	CA	US		5/22/2017
281	Christine	Anderson	chris@lafmore.com	Lafayette	CA	US		5/22/2017
282	Barb	Morrison	sxylad7@msn.com					5/22/2017
283	Takako	Ishii-kiefer	takiishii@hotmail.com	Aberdeen	NJ	US	201-834-8094	5/22/2017
284	Kimberly	Heim	k.heim827@gmail.com	Dover	PA	US		5/22/2017
285	Jennifer	Rodriguez	jenniferrodriguezmd@yahoo.com	Newmarket	Ontario	Canada		5/22/2017
286	Larry	Barker	larry_92108@yahoo.com	San Diego	CA	US		5/22/2017
287	Tom	Falvey	tefalvey@gmail.com	San Diego	CA	US		5/22/2017
288	Becky	Peterson	beckyjoy13@yahoo.com	Vista	CA	US	(760) 806-1157	5/22/2017
289	Konstantina	Karadima	drkaradima@yahoo.com			Greece		5/22/2017
290	James	Furth	jim.furth@yahoo.com					5/22/2017
291	Margot	Lowe	margotlowe1@gmail.com	Oceanside	CA	US		5/22/2017
292	Harald	Steen	hwsteen69@hotmail.com	Oslo		Norge	160-6471	5/22/2017
293	Cori	Craft	coricraft@gmail.com	Denver	CO	US	(303) 241-7277	5/22/2017
294	Carolyn	Ricketts	clynnline@verizon.net	Edgewater	MD	US		5/22/2017
295	Maz	James	molliecollie1@yahoo.co.uk			UK		5/22/2017
296	Olga	Cairns	olga_cairns@yahoo.co.uk	London	England	UK		5/22/2017
297	Anna	Myers	anna.cardiakides@gmail.com	Malmö	Skåne län	Sverige		5/22/2017
298	Sandi	Crist	sandicats5@mediacombb.net	East Moline	IL	US	309-796-1837	5/22/2017
299	Michelle	Collar	revlon82@aol.com					5/22/2017
300	Juliet	Bakir	julide_bakir@yahoo.com	San Diego	CA	US		5/22/2017
301	Ann	Coz	acoz1966@yahoo.com	Nashville	TN	US	615-714-5223	5/22/2017
302	Judy	Bennett	judy@cykic.com	San Diego	CA	US		5/22/2017
303	Joanna	Kling	jokling611@comcast.net	Urbana	IL	US		5/22/2017
304	Tami	Cross	tamicross@aol.com	San Diego	CA	US		5/22/2017
305	Robert	Gabriel	doctorob@gmail.com	Olympia	WA	US	(360) 489-0131	5/22/2017

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306	Amina	Madadi	bunnybenny77@gmail.com	Sétif	Sétif	Algeria		5/22/2017
307	Linda	Jalving	ljalving@san.rr.com	San Diego	CA	US		5/22/2017
308	Hazel	Hamilton	hazel.hamilton@googlemail.com	Edinburgh		UK		5/22/2017
309	Jeanne	Mcglenister	lexxygreen@gmail.com	St Catharines	ON	Canada		5/22/2017
310	Brian	Smale	brian.smale@boehringer-ingelheim.com	Burlington	Ontario	Canada		5/22/2017
311	John And Susar	Davis	18jdavis@att.net	Del Mar	CA	US		5/22/2017
312	Lesley	Mcglenister	lexxyred@bell.net	St Catharines	Ontario	Canada		5/22/2017
313	Valerie	Howell	valeriehowell@hotmail.com	Miami	FL	US		5/22/2017
314	Sylvie	Ries	silv@tango.lu	Calmus		Luxemburg		5/22/2017
315	Carolina	Villarreal	cvm1110@hotmail.com	Queretaro	Queretaro	México	(442) 343-3406	5/22/2017
316	Anastacia	Hanauer	anastaciahanauer@yahoo.com	San Diego	CA	US		5/22/2017
317	Shona	Balfour	snbalfour@yahoo.com	La Jolla	CA	US		5/22/2017
318	Kalinke	Ten Hulzen	kalinke9@gmail.com	Ede, Netherlands		Nederland	(31) 864-6113	5/22/2017
319	Linda	Lyerly	llyerly7@gmail.com					5/22/2017
320	Luca	Minelli	reemul64@gmail.com	Parma		ItLY		5/22/2017
321	Angela	Peters	aepbuffalo@aol.com	Arlington Heights	IL	US		5/22/2017
322	Linda	Hardy	lilitaliangal@yahoo.com	Tecumseh	MI	US	(517) 960-5707	5/22/2017
323	Pamela	Nowlan	pamhasemail@yahoo.com	San Diego	CA	US		5/22/2017
324	Elizabeth	Nash	enash1@gmail.com	Del Mar	CA	US		5/22/2017
325	Ian	Thompson	i_thompson1@hotmail.com					5/22/2017
326	Esther	Garvett	egarvett@gmail.com	Miami	FL	US	(305) 382-9710	5/22/2017
327	Jane	Bradford	jbradford2@san.rr.com	La Jolla	CA	US Minor Outlying Islands		5/22/2017
328	Nikki	Doyle	nikkidoyle7@gmail.com	Oakland	CA	US		5/22/2017
329	Craig	Decker	spike@spikeandmike.com	La Jolla	CA	US		5/22/2017
330	Ken	Aven	krane7@me.com					5/22/2017
331	Malgorzata	Wisniewska	wisniewskamargherita@libero.it	Fano	Pu	Italy		5/22/2017
332	Christine	Waters	h2oscoolchris@att.net					5/22/2017

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333	Roderick And C	Brown	rodandthiabrown@cox.net	San Diego	CA	US		5/22/2017
334	Jorge	De Cecco	bndass@yahoo.com					5/22/2017
335	Luciene	Cantarelli	abluc@hotmail.com	Oceanside	CA	US	(760) 703-0446	5/22/2017
336	Tansy	Woods	tansy.woods@yahoo.com	San Diego	CA	US		5/22/2017
337	Shirley	Mills	shirleymills12@yahoo.co.uk					5/22/2017
338	Donna	Anderson	donnapanda@hotmail.co.uk	Kent		UK		5/22/2017
339	Joann	Smith	ilvclyns@cox.net	Aliso Viejo	CA	US	(310) 617-6985	5/22/2017
340	Brian	Bowers	brianmbowers@gmail.com	La Mesa	CA	US		5/22/2017
341	Laura	Canaletti	laura.canaletti@ec.europa.eu	Overijse		Belgium		5/22/2017
342	Theresa	Mullins	kiwiariz@aol.com			US	619-971-0329	5/22/2017
343	Marie France	Colin	mifacg@hotmail.com					5/22/2017
344	Philomene	Offen	philoff@san.rr.com	La Jolla	CA	US	(858) 459-2423	5/22/2017
345	Clare	Hooson	clarehooson@yahoo.com					5/22/2017
346	Paige	Wight	paige.butler92@gmail.com	Delta	BC	Canada	(604) 910-0872	5/22/2017
347	Kathryn	Garr	garrgoyle63@gmail.com	Escondido	CA	US		5/22/2017
348	Ellen	Meaney	ellenmc70@gmail.com	Toms River	NJ	US	(732) 864-6814	5/22/2017
349	Anita	Newman	madbeachlady@aol.com	Madeira Beach	FL	US	727-320-9144	5/22/2017
350	Meghan	Tracy	meghantracy@ymail.com	Long Beach	CA	US	562-496-4043	5/22/2017
351	Jamie	Lucas	jmjluc@aol.com	Honolulu	HI	US		5/22/2017
352	Robin	Kohler	robin4health@sbcglobal.net	San Diego	CA	US		5/22/2017
353	Emily	O'sullivan	e.osullivan@cox.net			US		5/22/2017
354	Sylvia	Selverston	sillygranma@yahoo.com					5/22/2017
355	Daliel	Leite	monitors@sealwatch.org					5/22/2017
356	Deeann	Wong	daantaat@aol.com	San Diego	CA	US		5/22/2017
357	Jim	Reed	reedjim@me.com	La Jolla	CA	US		5/22/2017
358	Donna	Pendleton	yodsp@aol.com	Superior	CO	US	(720) 771-6156	5/22/2017
359	William	Babcock	wa4lrm@gmail.com	San Diego	CA	US		5/22/2017
360	David	Hladík	ramiusmarko@seznam.cz					5/22/2017
361	Elizabeth	Struve	lizstruve@yahoo.com	La Jolla	CA	US	858 459 4627	5/22/2017

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362	Christine	Dunn	samdunnathome@aol.com					5/22/2017
363	Irene	Gilgoff	irenegilgoff@aol.com	Los Alamitos	CA	US	562-596-3368	5/22/2017
364	Judy	Munson	jcmunson28@yahoo.com	San Diego	CA	US		5/22/2017
365	Kristin	Erlandson	kerlandson82@gmail.com	El Cajon	CA	US	(619) 931-4693	5/22/2017
366	Andrew	Jones	andrew.jones@ashford.edu	San Diego	CA	US		5/22/2017
367	Silvana	Borrelli	silbor13@verizon.net	Denver	Co	US	(267) 322-0479	5/22/2017
368	C	Delgado	sweetz_21_83@yahoo.com					5/22/2017
369	Heather	Friedman	heather@amitfineart.com	Santee	CA	US		5/22/2017
370	Susan	Fleming	misscat@netwiz.net	Belmont	CA	US		5/22/2017
371	Jenne	Sindoni	jennesin911@hotmail.com	Wilmington	MA	US	(774) 322-0610	5/22/2017
372	Simone	Wunderlich	panthera_leo37@web.de	Wunsiedel	Bayern	Deutschland	(9232) 919-6989	5/22/2017
373	Lisa	Ponfick	lisaponfick@yahoo.com	Helena	MT	US		5/22/2017
374	Doris	Cloud	cloudeee@comcast.net	Sarasota	FL	US		5/22/2017
375	Silvia	Baldussi	casaadams@fastwebnet.it					5/22/2017
376	Judith	Lawrence	lawjudy@aol.com					5/22/2017
377	Ezia	Mello	em98135@gmail.com			Italia		5/22/2017
378	Anna	Linnell	bambi1977@me.com	Birmingham	West Midlands	UK	(796) 654-3176	5/22/2017
379	Shearle	Furnish	shearlefurnish@gmail.com	Little Rock	AR	US		5/22/2017
380	Judy	Bash	dandjob@att.net	Little Rock	AR	US	(501) 664-1214	5/22/2017
381	Anita	Kreager	savymom@sbcglobal.net	Chula Vista	CA	US	(619) 421-6401	5/22/2017
382	Sarah	Scorgie	scosarah@yahoo.com	San Diego	CA	US	(619) 876-9073	5/22/2017
383	Laurent	Zoonekynd	lzoonekynd@free.fr	Paris		France		5/22/2017
384	Carmen	Cocores	cranchcocores@yahoo.com	Bonner	MT	US	(406) 244-3671	5/22/2017
385	Susan	Thomas	susanthom28@gmail.com	Encinitas	CA	US		5/22/2017
386	Edward	Kane	edwardkane64@gmail.com	San Diego	CA	US	619-276-4862	5/22/2017
387	Wolfgang	Tschida	gionfdgiodfg89h89@hotmail.com					5/22/2017
388	Mark	Huston	markhuston@cox.net					5/22/2017

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389	Shannon	Jacobs	sherman1971@yahoo.com					5/22/2017
390	Clare	Colquitt	ccolquitt2@cox.net	San Diego	CA	US		5/22/2017
391	Lisa	Koehl	lkoehl@snet.net	Ormond Beach	FL	US		5/22/2017
392	Christine	Young	bell123burn@gmail.com	Bishop Auckland		UK		5/22/2017
393	Laurent	Roatta	laurent.roatta@gmail.com	Roquebrune Cap Martin		France	(61) 223-3285	5/22/2017
394	Laura	Mays	laramays@cox.net					5/22/2017
395	Pam	Slater-price	pcslater@mac.com	Del Mar	CA	US	(858) 481-3357	5/22/2017
396	Robert	Wennerholt	rpwennerholt@yahoo.com					5/22/2017
397	Yesim	Sancar	yesimsr@gmail.com					5/22/2017
398	Deborah	Spencer	kodashila1@verizon.net	Billerica	MA	US	617-771-7968	5/22/2017
399	Stacey	Pitsch-stumpf	stacealita@yahoo.com	Altoona	WI	US	(715) 514-4497	5/22/2017
400	R	Caruso	realestatenotes@aol.com	Toms River	NJ	US		5/22/2017
401	Caroline	Tennent-riddell	ctennent@cogeco.ca	Peterborough	ON	Canada	(705) 742-4654	5/22/2017
402	John	Watson	watson.johnscott@gmail.com	Evanston	IL	US	(847) 227-7211	5/22/2017
403	Renate	Rupprechter	renate.rupprechter@uibk.ac.at	Radfeld	Tyrol	Austria		5/22/2017
404	Kim	Watson	watsonk07@hotmail.com	Dakota City	NE	US		5/22/2017
405	Lori	Dimaio	loridimaio@yahoo.com	Arvada	CO	US	(720) 380-3585	5/22/2017
406	Sarah	Franzel	sarahestherfranzel@gmail.com	Chicago	IL	US	(207) 332-4556	5/22/2017
407	Andreas	Vlasiadis	avl5787@gmail.com	Athens	Attiki	Greece		5/22/2017
408	Duncan	Seffern Ii	duncanseffern@yahoo.com	San Diego	CA	US		5/22/2017
409	Elizabeth	Orr	liz.orr@prodigy.net	San Diego	CA	US		5/22/2017
410	Tonya	Dysart	tdysart@sandi.net	San Diego	CA	US		5/22/2017
411	Sarah	Warren	sarahdewarren@gmail.com					5/22/2017
412	Lucie	Moskalenková	lucynka@post.cz	Troubsko		Czech Republic		5/22/2017
413	Annmarie	Parmenter	xzarri@aol.com	Belleville	NJ	US		5/22/2017
414	Julie	Guarino	jguarino@bmfn.com	East Boston	MA	US	(617) 331-5547	5/22/2017
415	Palmeta	Baier	catfilmnoir@yahoo.com	Kirksville	MO	US	619-615-6833	5/22/2017

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416	Carol	Baier	cbaier@hotmail.com	San Diego	CA	US	(619) 615-6833	5/22/2017
417	Heli	Perala	helimperala@gmail.com	Espo		Finland		5/22/2017
418	Ilona	Zelissen	loontiger108@gmail.com	Hoensbroek	NL	Nederland		5/22/2017
419	Nancy	Glynn	nbglynn6@gmail.com	Alexandria	VA	US	(703) 799-6560	5/22/2017
420	Terrie	Matson	terriejean1@yahoo.com	Sheridan	IL	US	815-414-1581	5/22/2017
421	Ruth	Howard	ruth_howard@yahoo.com	Cape Town		South Africa		5/22/2017
422	Stacey	Larson	srlarson@comcast.net	Highlands Ranch	CO	US		5/22/2017
423	Leslene	Dunn	leslene@lagroup.co.za	Cape Town	Western CApe	South Africa		5/22/2017
424	Steve	Foster	wahoo_ss565@yahoo.com					5/20/2017
425	Elaine	Blumberg	elainejblumberg@gmail.com	San Diego	CA	US	(619) 491-9471	5/20/2017
426	Chris	Drumright	astrohoops@aol.com					5/20/2017
427	Robert	Silvern	bobs00@cox.net	La Mesa	CA	US		5/20/2017
428	Kevin	Pendleton	kjp_001@hotmail.com	La Jolla	CA	US	(858) 568-6009	5/5/2017
429	Desiree	Leonard	desinleo@yahoo.com	La Jolla	CA	US	(951) 541-6032	4/13/2017
430	Susan	Spoo	susanoops@att.net		CA	US		4/2/2017
431	Laura	Meldrum	lauragale@usms.org	San Diego	CA	US	858-245-1641	3/31/2017
432	Steve	Arndt	stevearndt777@gmail.com	La Jolla	CA	US	858-352-6181	3/30/2017
433	Emanuela	Sala	emanuela.sala@fastwebnet.it	Los Angeles	CA	US		3/28/2017
434	Silva	Martinelli	silvasquit@yahoo.it					3/22/2017
435	Margaret	Hunter	peggyhunter6@aol.com	San Diego	CA	US	858-699-2201	3/21/2017
436	Barbara	Matteis	playnlove4@yahoo.com					3/21/2017
437	Rev Crow	Swimsway Phd	crow@church-of-earth-healing.org					3/20/2017
438	Karen	Vasily	kvas77@yahoo.com	Norristown	PA	US	(610) 631-9729	3/20/2017
439	Tatyana	Fedotova	nora38@mail.ru	Cherepovets		Russia	(896) 272-7240	3/20/2017
440	Raul	Arribas	darkexar@yahoo.com	Barcelona	NJ	US		3/20/2017
441	Eleonor	Ballot	eleonor.ballot@hotmail.fr					3/20/2017
442	Heather	Turbush	hturbush@gmail.com	Wading River	NY	US	(631) 779-3226	3/19/2017
443	J	Goettler	j44jag@juno.com					3/19/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
444	N	Goettler	jag.12@juno.com					3/19/2017
445	Harvey	Metzger	hdmgolf@yahoo.com	Boynton Beach	Fl	US		3/19/2017
446	Julaine	Roberson	sky-aangel@hotmail.com	Washington	GA	US	(706) 285-2848	3/19/2017
447	Lysa	Hannigan	lysa@icloud.com					3/19/2017
448	Daniela	Pagliarini	raisanervusa@alice.it	Marino	Roma	Italia		3/19/2017
449	Anabel	Roig Carrera	anabelroig78@hotmail.com	Barcelona		Spain		3/19/2017
450	Dee	Carpenter	pawsinsd@yahoo.com			US		3/19/2017
451	Mary	Grimmer	marye0323@comcast.net	Grayslake	IL	US	(847) 223-4405	3/18/2017
452	Laurel	Brewer	magickhours@gmail.com	West Hollywood	CA	US	(805) 558-0491	3/18/2017
453	Michelle	Layer	maestralayer@yahoo.com	Berkeley	CA	US	(415) 559-2519	3/18/2017
454	Dr.ronald G.	Shapiro	drronshapiro1981@sigmaxi.net	Providence	RI	US	401.272.4664	3/18/2017
455	Claire	Watson	sorchasibeal10@att.net	Pleasant Hill	CA	US	(925) 427-9236	3/18/2017
456	Raquel	Barbosa	raquel.barbosa@me.com	Campinas	SP	Brasil	(193) 246-2418	3/18/2017
457	Dagmar	Hildebrandt	dagmar0604@web.de	Leer		Germany		3/18/2017
458	Eve	Saglietto	info@saglietto.de					3/18/2017
459	Karen	Schwartz-frates	kateschwartz2@yahoo.com	San Diego	CA	US	(760) 685-0602	3/18/2017
460	Omid	Saboori	osaboori1@gmail.com					3/18/2017
461	Diane	Ake	dianeake@hotmail.com	San Diego	CA	US	(619) 582-2432	3/18/2017
462	Judy	Suckno	heyjudeosu@yahoo.com	Rockaway	NJ	US	(973) 627-2626	3/18/2017
463	Wanda	Plucinski	wandatravels@comcast.net	Cranbury	NJ	US	856-462-4499	3/18/2017
464	Kim	Garside	kimgarside@gmail.com	Midvale	UT	US	(801) 604-2499	3/18/2017
465	Teresa	Vanzeller	vanzellart@aol.com					3/18/2017
466	Diana	Perez	perez.diana@web.de	Heidelberg	Baden-Württemberg	Germany		3/18/2017
467	Audrey	Mannolini	audreyspuppy@aol.com	Huntington Beach	CA	US		3/18/2017
468	Robin	Ben-shimeon	animals100@hotmail.com	La Mesa	CA	US		3/18/2017
469	Carin	Poos	cpoos@xs4all.nl			Nederland		3/18/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
470	Marie	Grenu	grenu.dominique@neuf.fr	Breel	normandie	France		3/17/2017
471	Sarah	Friedenberg	friedenbergs@gmail.com	San Diego	CA	US	(858) 259-4599	3/17/2017
472	Barbara	Baenziger	bbaenziger@yahoo.com					3/17/2017
473	Karen	Benz	sedecrem76@hotmail.com	Heathmont	Victoria	Australia	(6140) 514-7466	3/17/2017
474	Michelle	Sewald	masewald@yahoo.com	Denver	CO	US		3/17/2017
475	Robyn	Mcnally	steveandrobynmac@yahoo.com.au	Nanango	Queens-land	Australia		3/17/2017
476	Joan	Reyes	jareyes2@gmail.com	Livonia	MI	US	(248) 893-7073	3/17/2017
477	Andrea	Chisari	chisaria@att.net					3/17/2017
478	Arkady	Vyatchanin	arkadyv84@gmail.com	Gainesville	FL	US		3/17/2017
479	Desiree	Ratzenberger	desilein@yahoo.com	Washington	MI	US		3/17/2017
480	Judy	Krach	jhawk3989@aol.com	Hazel Crest	IL	US	(708) 799-4567	3/17/2017
481	Daniel	Fernandes	dpf_1982@hotmail.com	Aveiro		Portugal		3/17/2017
482	Ross	Thornton	riofish77@hotmail.com	Crawley	W Sussex	UK		3/17/2017
483	Denay	Heddy	kaikanay@yahoo.com	San Diego	CA	US	(619) 201-2581	3/17/2017
484	Carl	Lemelin	c-lemelin@videotron.ca	Lachine	Quebec	Canada		3/17/2017
485	Pati	Rose	patrose253@comcast.net	Skokie	IL	US	(847) 983-0045	3/17/2017
486	Nicole	Weber	nicole4770@yahoo.com			US		3/17/2017
487	Jerry	Mylius	j.mylius@sbcglobal.net	Austin	TX	US	(512) 442-5889	3/17/2017
488	Garrine	Petersen	rickandjeri@copper.net					3/17/2017
489	Cassie	Maslowski	cassiemaslowski@hotmail.com	San Diego	CA	US	(760) 274-5311	3/17/2017
490	Michele	Draper	md3067@gmail.com	Gold Beach	OR	US	419-290-5963	3/17/2017
491	Jude	Arnfield	jude.arnfield@me.com	Norwich	Norwich	UK		3/17/2017
492	Ana Teresa	Monteiro	m.anateresa@gmail.com	Póvoa De Varzim		Portugal		3/17/2017
493	Janice	Stanger	janicekstanger@yahoo.com					3/17/2017
494	Melissa	Gaskins	gaskinshockey@gmail.com	Tallahassee	FL	US	850-980-0000	3/17/2017
495	Dianne	Ensign	roughskinnednewt@hotmail.com					3/17/2017
496	Daphne	Figueroa	drdaph@yahoo.com	San Diego	CA	US		3/17/2017
497	Janean	Kromka	janean.kromka@ashford.edu					3/17/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
498	Glen	Venezio	sethspeaksnyc@gmail.com	San Juan	PR	US		3/17/2017
499	Todd	Fisk	toddf99@yahoo.com	San Diego	CA	US	(858) 578-8119	3/17/2017
500	Polly	Kanavel	pollyk9@outlook.com	La Mesa	CA	US	(619) 518-6690	3/17/2017
501	Francine	Traniello	midnightblue_22@webtv.net					3/17/2017
502	Carey	Mccoy	careymccoy50@gmail.com					3/15/2017
503	Cassandra	Berger	cassandra.berger@gmail.com	New York	NY	US	(212) 744-2942	3/14/2017
504	Leonora	Meyerhoff	leopasca123@gmail.com	Greenwich	CT	US	(203) 661-1676	3/12/2017
505	Adrianna	Shembel	acs130@pitt.edu	Somerville	MA	US	(215) 817-4121	3/11/2017
506	Carol	Paton	meadowlark124@yahoo.com					3/10/2017
507	Alexandra	Zarzycka	alexbaba2015@gmail.com	Brooklyn	NY	US		3/7/2017
508	Judy	Sheahan	sandcastledreamer7@gmail.com					3/6/2017
509	Donald	Romeo	donaldromeo@yahoo.com	Wellfleet	MA	US	(508) 349-5100	3/5/2017
510	Rustom	Jamadar	rjamadar@qti.qualcomm.com	San Diego	CA	US	(858) 658-1166	3/3/2017
511	Kareen	Novak	kareen.novak@gmail.com					3/3/2017
512	Nancy	Forssander	nlforsndr@hotmail.com	Lith	IL	US	847-436-4085	2/25/2017
513	Audrey	Suun	satanic.angel@live.fr	Pineda De Mar		Spain		2/21/2017
514	Donna	Pay	cozycottage7@comcast.net					2/21/2017
515	Rosa	Vieyra Álvarez	sitacoco1504@yahoo.es	Benidorm	Alicante	España	(96) 503-7883	2/21/2017
516	Jama	Millar	justminejama@yahoo.com	San Diego	CA	US	(619) 456-7002	2/20/2017
517	Ping	Lu	lydia.lu2006@hotmail.com		CT	US		2/14/2017
518	Vishakha	Doshi	vdoshi007@aol.com	London	London	UK		2/2/2017
519	Steve	S	washingtonstevesmith@yahoo.com	Washington	DC	US		1/29/2017
520	Mary	Ward	ward6388@sbcglobal.net					1/29/2017
521	Ginette	Aymont	gdaisyblue@sympatico.ca	Montreal	Quebec	Canada	514-276-7397	1/29/2017
522	Brenda	Thompson	bthompson4564@yahoo.com	La Mesa	CA	US		1/28/2017
523	Clare	Kelemen	clare252@yahoo.com	Carlsbad	CA	US	(760) 434-2407	1/28/2017
524	Helga	Hölzer	hella.hoelzer@gmx.de	Wörth		Deutschland		1/28/2017
525	Tristan	Drew	tristandrew@post.com	Kingston Beach	Tasmania	Australia		1/27/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
526	Carol	Huntsman	chuntsman@san.rr.com	San Diego	CA	US		1/27/2017
527	Lindsey	Caudill	mrscaudill80@gmail.com	Austin	TX	US	(512) 565-4145	1/27/2017
528	Janina	Kowa	amiica@gmx.de	Hamburg		Deutschland	(1575) 012-8037	1/27/2017
529	Julie	Arresseguet	julie.arresseguet@hotmail.fr			France		1/27/2017
530	Mariel	Klosewicz	marulalaa@yahoo.com.ar					1/27/2017
531	Vicky	Goodwin	vicky-goodwin@hotmail.com					1/27/2017
532	Jennifer	Sellers	buckingham72@hotmail.com					1/27/2017
533	Kristin	Forister	klucero@gmail.com	Fontana	CA	US	(909) 728-3775	1/26/2017
534	Darren	Edwards	darrenfromwales@gmail.com	Woodland Hills	CA	US		1/26/2017
535	Rudra	Chattopadhyay	rudra.chattopadhyay@tatamotors.com	Pune	Maharashtra	India		1/26/2017
536	Carla	De Mos	carlademos@hotmail.com	San Diego	CA	US	(858) 638-2702	1/26/2017
537	Paola	Alves De Miranda	paola.ffa@gmail.com			US		1/26/2017
538	Pat	Bryan	paturodel@yahoo.com	Lemon Grove	CA	US	619-381-9498	1/26/2017
539	Camilla	Torsander	camillat@gmx.com	Skovde	VG	Sweden		1/26/2017
540	Fred	Muskett	fredmuskett@yahoo.co.uk	Norwich		UK		1/26/2017
541	Betty	Ball	b.ball1@cox.net	San Diego	CA	US	(619) 281-2531	1/26/2017
542	Carol	Easton	easton525@gmail.com	Venice	CA	US	(310) 823-0239	1/26/2017
543	Laura	Sarmiento	lsarmiento@nhra.com	Rancho Cucamonga	CA	US	(909) 948-0652	1/26/2017
544	Gloria	Picchetti	picchetti707@sbcglobal.net	Chicago	IL	US	(773) 871-0999	1/26/2017
545	Daniell	Hepting	acemod@me.com	San Diego	CA	US	(617) 913-1546	1/26/2017
546	Abigail	Andrade	abigail.andrade@hotmail.com	Sp		Brasil		1/26/2017
547	Annette	Roozen	annette_roozen@hotmail.com					1/26/2017
548	Sonia	Romero Villanueva	pupycom123@yahoo.es	Sant Adrian Del Besod	Barcelona	Spain	(3461) 537-0010	1/26/2017
549	Carol	Thompson	mcact8@gmail.com	South Park	PA	US	412 655-2112	1/26/2017

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550	Jann	Lutterman	to2twain@aol.com	W. Valley	UT	U.S.A.		1/26/2017
551	Silvia	Corna	silviacorna@hotmail.com	Candia Canavese	TO	Italia		1/26/2017
552	Christine	Mcdowell	christin324@comcast.net					1/26/2017
553	Cindy	Risvold	cindyrisvold@uwalumni.com					1/26/2017
554	Emilia	Wolfova	cestye@yahoo.co.uk	Zm	CA	Spojené štáty		1/26/2017
555	Lacey	Levitt	laceylevitt@gmail.com	San Diego	CA	US		1/26/2017
556	Linda	Letnick	quadell@hotmail.com					1/25/2017
557	C	G	cag_92122@yahoo.com	Sd	CA	US	(619) 306-1840	1/24/2017
558	Gudrun	Dennis	gdennis2@cox.net			US		1/24/2017
559	Shab	Amiri	shabamiri@gmail.com	Phoenix	AZ	US		1/24/2017
560	Carolyn	Bigger	cmbigger@cox.net	El Cajon	CA	US		1/24/2017
561	Daniela	Rossi	rfcdani12@gmail.com					1/24/2017
562	Satu	Nurminen	avaruus@hotmail.com					1/24/2017
563	Jane	Oldfield	j.oldfield77@btinternet.com	London		UK		1/24/2017
564	Carol	Drabin	carolshopgirl@aol.com					1/23/2017
565	Zuzana	Aujeska	z.aujeska@seznam.cz	Olbramice		Czech Republic		1/23/2017
566	Diana	Covington	ladyofthelake_9@yahoo.com	Tacoma	WA	US		1/23/2017
567	Ian	Yzerman	ian.yzerman@gmail.com	La Jolla	CA	US	760-405-3037	1/23/2017
568	Kara	Liederman	liedermankara@gmail.com					1/23/2017
569	Kathy	Kiyan	kyanie24@yahoo.com					1/23/2017
570	Cindy J	Ludewig	ludewig302@comcast.net					1/23/2017
571	Christy	Borriello	christy.borriello@gmail.com	Pawleys Island	SC	US		1/23/2017
572	Jackie	Adam	adamja@mts.net					1/23/2017
573	Samantha	Steigerwaldt	greenbutterfly7267@yahoo.com	Seminole	Fl	US		1/23/2017
574	Isabel M.	Fuica	vilu53@gmail.com	New York	NY	US		1/23/2017
575	Elaine	Benjamin	ebalpine@flash.net	Alpine	CA	US		1/23/2017
576	Naomi	Jones	naomia-jones@hotmail.com					1/23/2017

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577	Tanya	Bask	tb_md@hotmail.com					1/23/2017
578	Lea	Mohr	zipperlm@aol.com	Wildomar	CA	US		1/23/2017
579	Debbie	Chaddock	debbchaddsd@gmail.com					1/23/2017
580	Colette	Winslow	cwin791866@aol.com	Westminster	CO	US		1/23/2017
581	James	Mulcare	xsecretsx@cableone.net	Clarkston	WA	US	509-758-3934	1/23/2017
582	Anthony	Montapert	amontapert@roadrunner.com	Ventura	CA	US		1/23/2017
583	Elise	Kelsheimer	lionessafaye@yahoo.com	Phoenix	AZ	US		1/23/2017
584	Nancy	Bissell	nananancie@yahoo.com					1/23/2017
585	Pat	Pesko	ppesko7@gmail.com	Shell Lake	WI	US	715-468-2053	1/23/2017
586	Vikki	Attard	vikkiattard@yahoo.co.uk	Sliema		Malta		1/23/2017
587	John And Mart	Stoltenberg	jpstolten@frontier.com	Elkhart Lake	WI	US	920-876-2184	1/23/2017
588	Jeanne	Held-warmkessel	jheldwarmkessel@yahoo.com					1/23/2017
589	Darren	Strain	strainteam@yahoo.com					1/23/2017
590	Cécile	Bissonnier	tethyscat31@yahoo.fr	Toulouse		FRANCE		1/23/2017
591	Judith	Bayer	jbayer820@yahoo.com	San Diego	CA	US	(858) 547-3542	1/23/2017
592	Regine	Ruelle	reginersl@gmail.com	Jávea	Alicante	Spain		1/23/2017
593	Doug	Krause	dougkrause@mts.net	Fargo	ND	US		1/23/2017
594	Steve	Webster	stevew831@gmail.com	Underhill	VT	US		1/23/2017
595	Liora	Fuld	liora.fff@gmail.com	Herzliya		Israel		1/23/2017
596	Alunni	Ilaria	ilaria87@hotmail.it					1/23/2017
597	Michael	Powis	michael_powis@hotmail.com	Merrickville	CA	Canada		1/23/2017
598	Elizabeth	Jache	esheltie@hotmail.com					1/23/2017
599	Marion	Bennett	marion_jones1954@yahoo.com.au	Perth	WA	Australia		1/23/2017
600	Marcia	Arantes	wmtm4@yahoo.com.br	Brasília/brasil	NA	Brasil		1/23/2017
601	Babiceanu	Carmen	carmen@vega.ro	Bucharest		Romania		1/23/2017
602	Morera	Valerie	vmorera95@gmail.com	Eaubonne		France		1/23/2017
603	Joanne	Tenney	joannetenney@hotmail.com	Escondido	CA	US		1/23/2017
604	Dean	Coles	northstarxman@aol.com	Abingdon	Oxon	UK		1/23/2017

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605	Chiara	Tironi	hmchiara.tironi@gmail.com					1/23/2017
606	Rosella	De Angelis	rosellaciabattoni@libero.it	Cossignano	ascoli piceno	Italy		1/23/2017
607	Patrice	Ellman	pbnk@icloud.com	Cardiff	CA	US		1/23/2017
608	Diane	Kastel	classylady1@comcast.net	Wheaton	IL	US	630-456-4927	1/23/2017
609	Lisa	Annecone	bettylea7@hotmail.com	Santa Rosa	CA	US	(707) 338-7444	1/23/2017
610	Therese	Löfberg	thereselofberg@hotmail.com					1/23/2017
611	Kevin	Osborn	droz1234@gmail.com	Palm Springs	CA	US	(619) 876-0987	1/23/2017
612	Eleonora	Buja	eleonorabuja@yahoo.it					1/23/2017
613	Marion	Kraus	krausies@web.de					1/23/2017
614	Sharon	Nolan	s.nolan667@gmail.com	Oneonta	AL	US		1/19/2017
615	Janet	Pierce	lilhorn83@gmail.com	Spring Valley	CA	US	(707) 362-7723	1/19/2017
616	Kim	Akeman	oceanfoxxf@yahoo.com					1/13/2017
617	Mindie	Saenz	mwsaenz@att.net	Manvel	TX	US	(832) 425-9986	1/12/2017
618	Nicole	D'angelo	nicole_dangelo@yahoo.com	San Diego	CA	US		1/8/2017
619	Charles	Dorrel	bdorrel@cox.net	Chula Vista	CA	US	(619) 316-6456	1/6/2017
620	Isis	Cortes	cortes9@yahoo.com	Brooklyn	NY	US	(347) 940-0986	1/6/2017
621	Christine	Miller	millerchris1957@yahoo.com	La Mesa	CA	US	619-660-8541	1/6/2017
622	Mary	Shanley	mmshanley85@gmail.com					1/6/2017
623	Michelle	Adame	madame0706@cox.net	Chula Vista	CA	US	(619) 316-6456	1/6/2017
624	Aneissa	Adame	dancewithlove25@gmail.com					1/6/2017
625	Dylan	Mcnellis	dylan.a.mcnellis@gmail.com					1/4/2017
626	Natasha	Lefkowitz	doclefkowitz@yahoo.com					12/30/2016
627	Shannon	Kenska	shannonlambo@gmail.com	Carlsbad	CA	US	(323) 447-5824	12/29/2016
628	Otis	Hilbertt	otishilbert@aol.com	Saint Paul	MN	US	(651) 696-1346	12/28/2016
629	Brady	Godwin	bradygodwin@gmail.com	San Diego	CA	US		12/18/2016
630	Kevin	Lourens	envirobolt@gmail.com	San Diego	CA	US	760-492-1781	12/17/2016
631	Judith	Rogers	jlrogers@roadrunner.com	San Dimas	CA	US	(909) 592-3491	12/15/2016
632	Lindsay	Mcgonigle	lindsaymcgonigle@aol.com	Los Angeles	CA	US		11/13/2016

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
633	Mary	Mueller	hsiao.my@gmail.com					11/7/2016
634	John	Grippo	gripreed@hotmail.com	San Diego	CA	US	(619) 990-5338	10/25/2016
635	Liliána	Tóth	renoandwalnut@gmail.com	Balmazújváros		Magyarország		9/23/2016
636	Ilana	Schukin	ilanaschukin@gmail.com	La Jolla	CA	US	(858) 888-3460	9/8/2016
637	Jeanine	Lee	jayjayel@gmail.com	Santa Clara	CA	US		7/21/2016
638	Victoria	Dunch	victoriadunch@yahoo.com	El Cajon	CA	US		6/30/2016
639	Carolyn	Logan	hobbes1545@gmail.com	San Diego	CA	US	(717) 418-5304	6/24/2016
640	Johanna	Gomez	preciosa1435@yahoo.com					6/22/2016
641	Renzo	Anchirayco	renzo.anchirayco@readypac.com					6/21/2016
642	Yung	Truong	yungtotruong@yahoo.com	Vista	CA	US	(760) 598-7876	6/14/2016
643	Fay	Tahmassbi	faytahmassbi@sbcglobal.net	Carlsbad	CA	US	(760) 632-1371	6/14/2016
644	C	Hawk	rock.h@cox.net	Sd	CA	US		6/14/2016
645	Kathleen	Jaworski	katyj41fromsd@gmail.com	La Mesa	CA	US		6/13/2016
646	Sharlene	Bergart	sbergart@aol.com	Carlsbad	CA	US	760-931-1941	6/13/2016
647	Suzanne	Kremer	skremer_sd@yahoo.com	Solana Beach	CA	US	(760) 840-0693	6/13/2016
648	Alice	Savage	savagealice1@gmail.com	San Diego	CA	US	(858) 472-8890	6/13/2016
649	Paul	Kelly	bluestoneus.com@gmail.com	Oceanside	CA	US	(607) 760-9572	6/13/2016
650	Simone	Anderson	buffyspikebuffball@yahoo.co.uk	Leighton Buzzard	Bedford-shire	UK		6/11/2016
651	Daniell	Hepting	daniell.hepting@gmail.com					6/10/2016
652	Gordon	Eick	gordoneick@gmail.com					6/10/2016
653	Natalie	Paraiso	natalieparaiso@yahoo.com	El Cajon	CA	US		6/8/2016
654	Kelly	Shea	kshea3@msn.com	Long Beach	CA	US	(562) 234-3990	6/6/2016
655	Joao	Gazzola	gazzola@hotmail.com	Fort Lauderdale	FL	US	(954) 294-2334	6/5/2016
656	Stella	Maris	estrela115@aol.com					6/5/2016
657	Mariana	Almeida	mariipalmeida@hotmail.com	San Diego	CA	US	(858) 382-6411	6/5/2016
658	Edward L. And	Simpson	edsimpson@dslextreme.com	South Pasadena	CA	US	(626) 799-5622	5/22/2016
659	Monique	Starkey	delatte@gmail.com	Long Beach	CA	US	(626) 437-5587	5/15/2016

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
660	Judith	Cohen	jctcohen@yahoo.com					5/15/2016
661	Tixier	Catherine	cathtixier@yahoo.fr	Boulogne		France		5/15/2016
662	Jill	Marsal	jill@marsallyonliteraryagency.com	San Diego	CA	US	(858) 755-8448	5/14/2016
663	Ellen	Paquette	elleninavalon@hotmail.com	Warren	PA	US		5/12/2016
664	Mary Ann	Sorokie	marysoro@hotmail.com	Chicago	IL	US	(773) 769-6421	5/10/2016
665	Evelyn	Ball	evelynb40@yahoo.ca	Lockport	Manitoba	Canada		5/9/2016
666	Patti	Packer	pattiac@nycap.rr.om	Scotia	NY	US	518-399-4843	5/9/2016
667	Susan	Larsen	greatwhite43@yahoo.com	Grafton	WI	US		5/9/2016
668	Laila	Sarah	laila.sarah@live.com	Phoenix	AZ	US		5/9/2016
669	Andrew	Jones	andrewajones@hotmail.com					5/9/2016
670	Negar	Davis	davisnegar@hotmail.com					5/5/2016
671	Rebecca	Neary	beckysue56@att.net	El Cajon	CA	US	619-442-8583	5/5/2016
672	Maddalena	London	london254@gmail.com	Huntington	NY	US	631-827-7890	5/5/2016
673	Lupita	Sandoval	lupitas.2010@gmail.com					5/4/2016
674	Alexandria	Bass	alliebass123@gmail.com	San Diego	CA	US	(619) 565-5533	5/2/2016
675	Zohra	Fahim	zohrafahim08@yahoo.com	Escondido	CA	US		4/25/2016
676	Starley	Dullien	beadullien@gmail.com	Ramona	CA	US	760-440-0179	4/15/2016
677	Ted	Eckerman	ted.eckerman@gmail.com	Chino Hills	CA	US	(213) 605-3682	4/14/2016
678	Trisha	Sammons	tsammons@empress-hotel.com	La Jolla	CA	US	(858) 999-0857	4/11/2016
679	Michael	Medina-brodsky	mmbdkl@gmail.com	Longmont	CO	US		4/10/2016
680	Chris	Riedy	chris.riedy@yahoo.com	San Diego	CA	US		4/9/2016
681	Bonnie	Rausch	beanlee50@cox.net	El Cajon	CA	US		4/7/2016
682	Barb	Schmidt	barb.schmidt@gmail.com	Saint Paul	MN	US	(952) 818-6775	4/7/2016
683	Ocean	Ramsey	oceanramsey@yahoo.com	Haleiwa	HI	US	(1808) 722-0969	4/7/2016
684	Geralyn	Meyers	cfnlvr@aol.com	Algonquin	IL	US		4/4/2016
685	Jill	Pesqueira	freebieprincessnet@yahoo.com	San Diego	CA	US		4/4/2016
686	Ana	Ierlick	anaierlick456@gmail.com					3/26/2016
687	Pamela	Ransom	blairbrgirl@aol.com	San Diego	CA	US	360-632-5223	3/21/2016
688	Lizbeth	Guzman	lizbethguzman_99@hotmail.com	San Diego	CA	US	(858) 547-3541	3/20/2016

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
689	Pam	Parsons	dulceonfire@gmail.com					3/18/2016
690	Laura	Okell	laura.okell@gmail.com	La Jolla	CA	US	612 562 0110	3/18/2016
691	Cathy	Blythe	c.blythe1988@gmail.com	Westland	MI	US	(734) 646-9616	3/17/2016
692	Elsina	Schepers	elsinab@bezeqint.net	Yagur		Israel		3/17/2016
693	Joann	Santos	sjoannnash@aol.com	Brooklyn	NY	US	(718) 768-6486	3/16/2016
694	Di	Ingalsbe	84lakenine82@gmail.com	Destin	FL	US		3/16/2016
695	Heather	Strong	heather@julietlasvegas.com	Las Vegas	NV	US		3/10/2016
696	Arielle	Levine	thearielllelevine@gmail.com	San Diego	CA	US	(510) 717-7095	3/9/2016
697	Amy	Stournaras	acarids8@gmail.com					3/7/2016
698	Marcus	Gallardo	marcusgallardo@gmail.com	Denver	CO	US	720-985-0707	3/7/2016
699	Sandra	Kallmeyer	screenorigami@gmail.com					3/7/2016
700	Emily	Shull	atomicgirl78@gmail.com					3/4/2016
701	Gail	Battisti	gailbattisti848@yahoo.com	Merced	CA	US		3/2/2016
702	Jacquelyn	Mcallister	mcallister95@aol.com					3/1/2016
703	Margaret	Mcginnis	margaretmcginnis@verizon.net					3/1/2016
704	Lizeth	Giles	lizeth.1019@yahoo.com	Escondido	CA	US	(760) 978-8797	2/29/2016
705	Martha	Brock	mobrock@earthlink.net	Clarkston	GA	US	(404) 731-5841	2/29/2016
706	Mercedes	Benet	benetmercedes@gmail.com	Carlsbad	CA	US	(760) 943-9760	2/27/2016
707	Linda	Deschaine	baronessld@bellsouth.net	Richmond	TX	US	(770) 235-4860	2/27/2016
708	Cindy	Trubovitz	cdtrubo@yahoo.com	San Diego	CA	U.S.	(858) 576-9860	2/26/2016
709	Sara	Ghilardi	sara@sgaitalia.it					2/26/2016
710	Susan	Harrison	harrisonjs@verizon.net	Vienna	VA	US	703.938.5801	2/6/2016
711	Jacque	Schiavo	jacschiavo@gmail.com					2/1/2016
712	Cecilia	Mialon	cecilialabar@gmail.com					1/28/2016
713	Krisztina	Kemenes	george7806@yahoo.com	La Mesa	CA	US	619 244 0454	1/26/2016
714	Renee	Crump	angel2rowdy@earthlink.net	Fallbrook	CA	US		1/25/2016
715	Kim	Moore	weareriverpeople@yahoo.com					1/20/2016
716	Jeff	Wright	jlwr3@hotmail.com	Davenport	IO	US	(563) 324-0024	12/31/2015
717	Rosanna	Ferrari	ferrari.rosanna@tiscali.it					12/22/2015

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
718	Mariam	Hamidian	mhamidian@hotmail.com	Richmond Hill	Ontario	Canada	(905) 709-7944	12/21/2015
719	Pamela	Impson	pamimp24@yahoo.com	El Cajon	CA	US	(619) 444-2395	12/13/2015
720	Alexis	Mcmahon	alexismcmahon80@gmail.com	Phoenix	AZ	US	(623) 206-3067	12/4/2015
721	Nichole	Jaymes	bubblesnwater@gmail.com					11/22/2015
722	Veronique	Aubois	dougvero@yahoo.com	San Diego	CA	US	201-925-9264	11/16/2015
723	Cristina	Grosse	sdcristinag@yahoo.com	Carlsbad	CA	US	(760) 822-0054	11/11/2015
724	Cherill	Ulibarri	indigosea11@cox.net	La Mesa	CA	US	(619) 920-2247	10/31/2015
725	Tracy	Gutierrez	gtracy004@gmail.com					10/21/2015
726	Isabela	Rodriguez	isabelarodriguez417@gmail.com	San Diego	CA	US		10/21/2015
727	Nancy	Bonnafoux	nbonnafoux@gmail.com					10/21/2015
728	Emily	Brown	embrown@ucla.edu	La Jolla	CA	US		10/19/2015
729	Pam	Dillon	nicnben@att.net					10/19/2015
730	Cher	Rivett	gemperfected@aol.com					10/19/2015
731	Michele	Goodman	michele.goodman@gmail.com	La Jolla	CA	US		10/19/2015
732	Tom	Eddy	tgeddy@gmail.com					10/19/2015
733	Allison	Souza	keentchr@gmail.com					10/19/2015
734	Chris	Blackmore	usmc88fan@gmail.com					10/19/2015
735	Katherine	Ozanich	kozanich1@icloud.com	La Jolla	CA	US	(858) 459-4575	10/19/2015
736	Susan	Foster	missqfoster2@yahoo.com	San Diego	CA	US	(858) 336-6777	10/19/2015
737	Norman	Olson	bentbike3@yahoo.com	San Diego	CA	US		10/19/2015
738	Nancy	Lee	nancyleemn@gmail.com					9/26/2015
739	Jill	Burnett	jamminjill94@yahoo.com		FL	US		9/17/2015
740	Chris	Coomer	ccoomer@hotmail.co.uk	Marlow	Buckinghamsshire	UK		9/14/2015
741	Sidney	Brown	squidsavidsa@gmail.com					9/9/2015
742	Autumn	Sisneros	asisneros1@pvlearners.net	Phoenix	AZ	US	(480) 630-9545	8/24/2015
743	Diane	Merrill	dma503@aol.com	Houston	TX	US	(713) 858-6950	8/10/2015
744	Erin	Fitzgerald	erinfitz246@gmail.com	La Jolla	CA	US	(619) 246-5283	7/30/2015
745	Gwenn	Olive	gwenneth01@cox.net	La Mesa	CA	US	(301) 717-6069	7/10/2015

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
746	Elizabeth	Boyer	elizabethmaryboyer@gmail.com	La Jolla	CA	US	(858) 456-2376	7/4/2015
747	Krsitine	Gendreaux	mashangelsfan83@yahoo.com	Aliso Viejo	CA	US	(562) 686-6672	7/2/2015
748	Spencer	Valli	pjsvalli@yahoo.com	San Diego	CA	US	(858) 453-3675	6/15/2015
749	Annette	Poerschke	annette.poerschke@gmail.com	Norderstedt	SWH	Germany		6/15/2015
750	Constance	Franklin	cfjanuary@att.net	Los Angeles	CA	US	(213) 482-1334	6/14/2015
751	Kali	Korbis	skali1647@hotmail.com					6/8/2015
752	Kiren	Jahangeer	kiren610@gmail.com			US		6/8/2015
753	Kerstin	Hood	jaud_kerstin@gmx.at	Fpo	CA	US		6/2/2015
754	Martha	Diaz	mdiaz8@socal.rr.om	Redondo Beach	CA	US	310-378-2556	6/2/2015
755	Carla	De Mos	5hopping@hotmail.com	San Diego	CA	US	(858) 638-2702	6/1/2015
756	Deborah	Mckay	dmckay310@cox.net	Santee	CA	US	(619) 334-3272	5/21/2015
757	Cam	Martinez	camiz@sbcglobal.net					5/17/2015
758	The	U. Family	polishprincesspolishprincess@yahoo.com					5/15/2015
759	Andrea	Marwah	andreafinch@gmail.com					5/14/2015
760	Phillip	Anderton	phillip.anderton27@gmail.com	Poole		UK		5/13/2015
761	Marla	Jones	m2jones@ucsd.edu	La Jolla	CA	US	858-822-0116	5/12/2015
762	Joanne	Andersen	pookja62@gmail.com					5/7/2015
763	Brooke	Andersen	bandersen823@gmail.com					5/7/2015
764	Maria	Zimmerman	mzimm22@yahoo.com					5/7/2015
765	Cara	Gaver	gavercd@miamioh.edu					5/7/2015
766	Rachel	Verbits	smilingrachie@aol.com					5/7/2015
767	Ashley	Zimmerman	faryprincess22@hotmail.com	Temecula	CA	US		5/7/2015
768	Patti	Packer	pattiac@nycap.rr.com	Scotia	NY	US		5/6/2015
769	Robin	Lindsey	moondawgs@mac.com	Seattle	WA	US		5/5/2015
770	Adrian	Kwiatkowski	askxix@aol.com	San Diego	CA	US	(619) 200-6471	5/4/2015
771	Kathleen	Kemper	kathleenek@comcast.net	La Jolla	CA	US		5/2/2015
772	Beverly	Brown	b2stampin@yahoo.com	Cave Creek	AZ	US		4/27/2015
773	Rafaela	Orozco-newton	permiecat@gmail.com	Escondido	CA	US	(760) 550-7746	4/20/2015
774	Natasha	Ayres	thejellymill@gmail.com					4/20/2015

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775	Gabriela	Von Borstel	gabivon410@aol.com	Poway	CA	US	(858) 568-3620	4/13/2015
776	Faith	Picking	faithpicking@hotmail.com	San Diego	CA	US		3/26/2015
777	Robert	Mead	robb_mead@yamaha-motor.com					3/19/2015
778	John	Cribbs	jcribz@gmail.com					3/15/2015
779	Melissa	Danekas	melissadanekas@gmail.com					3/15/2015
780	Brianna	Valenzuela	brivalenzuela@gmail.com					3/15/2015
781	Linda	Porta	imlporta2@yahoo.com	Los Angeles	CA	US	(424) 260-7327	3/3/2015
782	Stefanie	Zanow	steftlee@hotmail.com	San Diego	CA	US		3/2/2015
783	Jenny	Bennett	moluccanlvr@aol.com	San Diego	CA	US	619-756-8206	2/27/2015
784	Mary	Gross	mary@144solutions.com	San Diego	CA	US	858-569-8588	2/25/2015
785	Jack	Abbott	cinch44@yahoo.com	San Diego	CA	US	858-480-6625	2/25/2015
786	Mignonne	Walker	oldyellller@earthlink.net	La Canada Flintridge	CA	US		2/20/2015
787	Kirsten	Larsen	kirtina@yahoo.com	Tucson	AZ	US	520-495-9354	2/19/2015
788	Jill	Mulato	jillmulato@cox.net					2/16/2015
789	Cindy	Reynaud	cindyreynaud@gmail.com					2/14/2015
790	Lavaune	Guenther	princessa200145@yahoo.com	Oshkosh	WI	US		2/13/2015
791	Terri	Mitchell	tmitchell24@yahoo.com	La Mesa	CA	US		2/13/2015
792	June	Ramsay	spikeanimalschamp@att.net	Frazier Park	CA	US		2/13/2015
793	Tansy	Woods	tansyw73@yahoo.com	San Diego	CA	YSA	619-685-1734	2/13/2015
794	Toni	Galofaro	tonispumoniflies@aol.com	San Diego	CA	US	(619) 288-7920	2/12/2015
795	Heather	Heffernan	heather.heffernan@gmail.com	San Diego	CA	US		2/10/2015
796	Kim	Stamper	stamper@zoomtown.com					2/4/2015
797	J	Thoennes	eskiepup@sbcglobal.net	La Jolla	CA	US	858-552-8257	2/4/2015
798	Hannelore	Ciccarelli	omaoropa@yahoo.com					1/28/2015
799	Ciera	Coronado	stark.mail0@gmail.com	San Diego	CA	US	(619) 200-4509	1/19/2015
800	Erin	Gleason	erin_gleason@sbcglobal.net	San Diego	CA	US	858-213-9326	1/19/2015
801	Ericallenogle	Ogle	allenerok@gmail.com					1/19/2015
802	Pat	Poe	avgoplat@aol.com					1/19/2015

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
803	Lynn	Laumann	llaumann@yahoo.com	La Jolla	CA	US	858-204-1782	1/18/2015
804	Dr. Carol	Archibald	carchi7@sbcglobal.net	San Diego	CA	US		1/15/2015
805	Kit	Grigg	tippypeke@yahoo.com	Toronto	ON	Canada		1/15/2015
806	Sara	Ohara	saraohara@gmail.com	Encicitas	CA	US		1/14/2015
807	Kathy	Smith	wtrluv2@yahoo.com					1/14/2015
808	Rebecca	Dunne	becdunne@hotmail.com					1/13/2015
809	Joanne	Hill	streakybacon23@hotmail.com	London		UK	44 78 76 45 72 68	1/12/2015
810	Sherry	Aa	stickssb@aol.com	Jupiter	FL	US		1/12/2015
811	Vera	George	vera.george@me.com					1/12/2015
812	Nancy	Black	themotheriam@yahoo.com	Saint Charles	MO	US	(636) 723-7796	1/12/2015
813	Veronique	Peere	veronique.peere@ec.europa.eu					1/12/2015
814	Mikki	Aronoff	abqmikki@gmail.com					1/12/2015
815	Steven	Barry	steven_10@gmx.de					1/11/2015
816	Marian	Hussenbux	mhussenbux@btinternet.com	Woodchurch		UK		1/6/2015
817	Junru	Wu	451587559@qq.com					1/4/2015
818	Heather	Cowan	chcowan@sbcglobal.net					1/4/2015
819	Thomas	Bonneville	quakerminotaur@gmail.com	London		UK		1/4/2015
820	Rikard	Arvidsson	rikardarvidsson@tele2.se					1/3/2015
821	Jennifer	Taylor	angels444angels444@yahoo.com					1/2/2015
822	Kelly	Nordstrom	kelly_nordstrom@hotmail.com	San Diego	CA	US	619. 306.1154	1/1/2015
823	Deidre	Estey	dede.estey@gmail.com					1/1/2015
824	Renee	Whitlock	whitlockrenee@yahoo.com	Alpine	CA	US	619-722-6232	1/1/2015
825	Kathe	myrick	kmyrick@sandiego.edu					1/1/2015
826	Chris	Crawford	lurachristine@hotmail.com	Lakeside	CA	US		1/1/2015
827	Lisa	Mcdermott	bluewhale72@gmail.com	San Diego	CA	US		1/1/2015
828	Dale	Arrigo	darrigo283xz@me.com					1/1/2015
829	Jeanette	Arrigo	cord4quat@yahoo.com					1/1/2015
830	Jeff	Myrick	myrick4bmx@cox.net	El Cajon	CA	US	(619) 778-8972	1/1/2015
831	Pamela	Thomas	pamt7413@aol.com					1/1/2015

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832	Deb	Saracini	debsaracini@yahoo.com					12/31/2014
833	Justin	Raynor	jtraynor87@gmail.com	Aurora	CO	US	(830) 385-2768	12/30/2014
834	Harry	Weidenholz	dirtyharry2000@htcplus.net	Port St Lucie	FL			12/17/2014
835	Ilene	Radszuweit	ilene-711@hotmail.com	San Diego	CA	US	(954) 707-0098	12/17/2014
836	Denise	Diaz	dnurse20@aol.com	Sunrise	FL	US	(786) 419-2585	12/17/2014
837	Viena	Bone	chopis531@hotmail.com	Chula Vista	CA	US		9/10/2014
838	Mike	Gold	mgold@cox.net	San Diego	CA	US		9/10/2014
839	Jane	Reldan	jreldan@san.rr.com	La Jolla	CA	US	(858) 459-6600	9/10/2014

** PETITION TO THE CALIFORNIA COASTAL COMMISSION **

"I support the City of San Diego's Viewing Guideline Rope, which creates a buffer between humans and the harbor seals that haul out on the sand at Casa Beach, as approved by the San Diego City Council on May 17, 2010, and the California Coastal Commission on June 10, 2015."

	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
1	Michael	Anthony	michaelg@cox.net	San Diego	CA	US		5/11/2019
2	Holly	Parker	h20lly.p@gmail.com	Chula Vista	CA	US	(619) 772-1857	5/6/2019
3	Doug	Dowling	douglasrdowling@gmail.com	Dawson Creek	BC	CANADA	250 782 2154	4/19/2019
4	Bailey	Borchardt	bailey.borchardt@gmail.com	Long Beach	CA	US		4/7/2019
5	Sonia	Waddell	s.e.waddell@talk21.com	Manchester		UK		4/5/2019
6	Mary	Betteridge	mebetteridge@yahoo.co.uk					4/5/2019
7	Judith	Treanor	judith.treanor@btinternet.com	Exeter	DEVON	UK		4/5/2019
8	Justin	Lloyd	justinjunk24@gmail.com	Newport Beach	CA	US	(949) 759-5533	3/27/2019
9	Julie	Dixon	whooleeay@yahoo.com	San Diego	CA	US		3/26/2019
10	Diana	Lopez	diilopez111@aol.com	Wheat Ridge	CO	US		3/26/2019
11	Brandon	Westcott	bwestcott82@gmail.com	Bonita	CA	US	(858) 354-0317	3/26/2019
12	Pau	Morón Castro	paudiver@gmail.com	Barcelona	Catalonia	SPAIN	(65) 183-4766	3/25/2019
13	Darlene	Horn	darleneeats@gmail.com	San Diego	CA	US	(619) 729-7590	3/25/2019
14	Carol	Hiestand	carol@rctechinc.com	Escondido	CA	US	(760) 774-3909	3/24/2019
15	Lisa	Ciani	lisa.ciani@gmail.com					3/24/2019
16	Devon	Rossi	devon.rossi98@gmail.com	San Diego	CA	US	(951) 491-5072	3/24/2019
17	Toby	Gad	toby.gad@gmail.com	Los Angeles	CA	US		3/22/2019
18	Marta	Styczynska	marta_styczynska@yahoo.it	Prievidza	SLOVAKIA	SLOVENSKO		3/21/2019
19	Kenneth	Aven	krane7@roadrunner.com	Rancho Cucamonga	CA	US	(909) 476-0858	3/21/2019
20	Dana	Park	dananassiri88@gmail.com					3/20/2019
21	Marianne	Wilson	wwilson120@aol.com	Granada Hills	CA	US		3/19/2019
22	Frances	Harmon	raggedy_fran@outlook.com		CA	US		3/19/2019
23	Samuel	Park	skayp27@gmail.com					3/19/2019
24	Scott	Riggs	scottriggs1@hotmail.com	San Diego	CA	US		3/19/2019
25	Linda	Heimbach	theimbach65@gmail.com					3/19/2019
26	Ivan	Hurtado	ivan.hurtado@gmail.com	San Diego	CA	US	619-886-5140	3/19/2019
27	Robert	Jones	rmjvail@gmail.com	Solana Beach	CA	US	(619) 733-8933	3/18/2019
28	Kelley	Martin	kmartin9999@hotmail.com	Del Mar	CA	US		3/18/2019

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
29	Michelle	Redfield	michelleandelvis@yahoo.com					3/18/2019
30	Susan	Ghahremani	scifismyfi@aol.com	San Diego	CA	US		3/18/2019
31	Kimberly	Eddo	k_kern516@yahoo.com	San Diego	CA	US	(760) 809-6445	3/18/2019
32	Elisabeth	Carroll	ehcarroll15@gmail.com	Indian Shores	FL	US	(727) 812-9449	3/18/2019
33	Kathrin	Weber	kw.kathrin-weber@arcor.de	Lübeck	DEUTSCHLAND	DEUTSCHLAND	(451) 399-1199	3/18/2019
34	Julia	Voronina	j.voronina@mail.ru	Moscow		РОССИЯ	(985) 922-1584	3/18/2019
35	Ed	Mirsky	emirsky@roadrunner.com					3/18/2019
36	Julia	Waller	wallerjulia2@gmail.com	London	LONDON	UK	(207) 274-2801	3/18/2019
37	Katharina	Wittig	katiw2003@aol.com					3/18/2019
38	Laura	Canaletti	laura_canaletti@yahoo.com			BELGIUM		3/18/2019
39	Martha	Wild	mawild@sbcglobal.net	San Diego	CA	US		3/17/2019
40	T	Bell	abell2@aol.com					3/17/2019
41	Julie	Naggat	j.naggar@sbcglobal.net					3/17/2019
42	Kathryn	Mckee	mtnkitty604-sellss@sbcglobal.net	Carlsbad	CA	US	(760) 583-5788	3/17/2019
43	Charlene	Glacy	cglacy@yahoo.com					3/17/2019
44	Caryl	Parrish	cparrish@prodigy.net	Carlsbad	CA	US	(760) 753-5004	3/17/2019
45	John	Dommers	jjdsr@yahoo.com	San Marcos	CA	US		3/17/2019
46	Lori	Dimaio	loridimaio@yahoo.com	Denver	CO	US	(720) 380-3585	3/17/2019
47	[redacted]	[redacted]	[redacted]					3/17/2019
48	Leila	Dooley	ldooley1@cox.net					3/17/2019
49	Patti	Koger	pkoger@cox.net	Cardiff By The Sea	CA	US		3/17/2019
50	Renee	Crump	blackswan2rowdy@gmail.com	Fallbrook	CA	US	719-465-7343	3/17/2019
51	Marisue	Crystal	katywillow@sbcglobal.net	San Diego	CA	US		3/17/2019
52	Myriam	Eythrib	louisemyey@live.com	Chandler	AZ	US	(480) 625-0526	3/17/2019
53	Francine	Traniello	satindoll--@webtv.net	Middleboro	MA	US	(508) 947-0423	3/17/2019
54	Lorraine	Truitt	ramonarita@cox.net	Ramona	CA	US		3/17/2019
55	Christine	Dufour	christineveronique@hotmail.fr	Le Havre		FRANCE		3/17/2019
56	Carmen	Revilla	cr@signes.es					3/17/2019

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
57	Adriana	Ribeiro	driphoto@hotmail.com	Niterói	RIO DE JANEIRO	BRASIL		3/17/2019
58	Ralitsa	Atanasova	consolida@abv.bg					3/17/2019
59	Elisabeth	Sherman	elisabeth.sherman@me.com	Sebastopol	CA	US	(707) 824-8000	3/17/2019
60	Katie	Quint	krquint@aol.com					3/17/2019
61	Rupert	Burg	rupertb@sbcglobal.net	San Diego	CA	US	(619) 204-9547	3/17/2019
62	Stacey	Willis	staceyrwillis@gmail.com	La Jolla	CA	US	(480) 213-5703	3/17/2019
63	Leigh	Bittner	leighbittner@gmail.com	Julian	CA	US		3/17/2019
64	Carol	King	diamonds0707@hotmail.com	Pincourt		CANADA		3/17/2019
65	Janet	Wilson	nefertiti793@icloud.uk	Bristol		UK		3/17/2019
66	Marnie	Salazar	marniesalazar@me.com	San Diego	CA	US		3/17/2019
67	Corrina	Parker	kayshee11@gmail.com	Toowoomba	QLD	AUSTRALIA		3/16/2019
68	Steve	Coffin	scoffin@shaw.ca	North Vancouver	BRITISH COLUMBIA	CANADA	(604) 990-1141	3/16/2019
69	Ms. J	Halbert	jhalb99@gmail.com	Houston	TX	US	(281) 915-2024	3/16/2019
70	Juli	Shields	jshields1@stny.rr.com	Conklin	NY	US	(607) 772-8724	3/16/2019
71	S	Wolf	swolfmail@gmail.com					3/16/2019
72	Amy	Dykstra	amymoonchild@gmail.com	San Diego	CA	US		3/16/2019
73	Angela	Chen	chenangela24@gmail.com		CA	US		3/16/2019
74	Erika	Lamont	foremanlikeboss@gmail.com	San Diego	CA	US		3/16/2019
75	Sabine	Prather	sabineprather@gmail.com	San Diego	CA	US		3/16/2019
76	Diane	Nygaard	dnygaard3@gmail.com	Oceanside	CA	US		3/16/2019
77	Terrie	Hauser	onlydaughterone@yahoo.com	Fairfield	OH	US	513-858-2607	3/16/2019
78	Beth	Laurer	beth_609@yahoo.com	Crawfordsville	IN	US	(765) 532-8733	3/16/2019
79	Niall	Fritz	nfritz5@gmail.com	San Diego	CA	US		3/16/2019
80	Joseph	Cordaro	jmako21@yahoo.com					3/16/2019
81	Daniela	Fernandes	daniela.fernandes@live.com.pt					3/16/2019
82	Liron	Solomon	lironsolomon@yahoo.com	Holon		ISRAEL		3/16/2019
83	Mónica Lilia	Gastañaga Wetzel	monywetzel@hotmail.com	Remedios De Escalada	BUENOS AIRES	ARGENTINA		3/16/2019

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
84	Steve	Souza	seatdude@gmail.com					3/16/2019
85	Tracey	Aquino	traceyaquino@gmail.com	Virginia Beach	VA	US		3/16/2019
86	C	S	csoragha@hotmail.com	Sdiego	CA	US	(619) 234-5678	3/16/2019
87	Clara	Halfin	logcabinh@frontiernet.net	Parsons	WV	US	(304) 478-2388	3/16/2019
88	Doride	Jansen	doridjansen@hotmail.com	Rotterdam		NEDERLAND		3/16/2019
89	Susan	Gunther	sgunther1@verizon.net	Beacon	NY	US		3/16/2019
90	Bul	Morello	fastphyl1@hotmail.com	White Pine	TN	US		3/16/2019
91	Pat	Rose	patrose253@comcast.net	Skokie	IL	US		3/16/2019
92	Deborah	Conley	debbie14090@gmail.com	San Diego	CA	US		3/16/2019
93	Terry	Congdon	congdonterry@gmail.com	Bournemouth	DORSET	UK		3/16/2019
94	Andreas	Vlasiadis	avl5787@gmail.com	Athens-greece		ΕΛΛΆΔΑ		3/16/2019
95	Dana	Stein	dana@danasteinonline.com	Poway	CA	US	(877) 387-6157	3/16/2019
96	George	Courser	gcourser@hotmail.com	Oceanside	CA	US	858-231-0156	3/16/2019
97	Britt	Conroy	bxc41@case.edu					3/16/2019
98	Joy	Dornick	joydornick@gmail.com	San Diego	CA	US	(619) 540-5586	3/16/2019
99	C	Dale	kindnessmatters@paulmaxwel.com	San Diego	CA	US	858 483 9001	3/16/2019
100	Lauryn	Jenkins	lauryn.jenkins@mac.com	London		UK	(750) 077-5521	3/16/2019
101	Andrea	Chisari	achisari@cfl.rr.com	Mims	FL	US	(321) 383-1301	3/16/2019
102	Cynthia	Hull	cmeow2000@yahoo.com	Gallup	NM	US	(505) 409-9194	3/16/2019
103	Viena	Bone	viena.bone@gmail.com	San Diego	CA	US	(619) 417-2261	3/15/2019
104	Ebony	Hogan	hogan.ebony@gmail.com			US		2/25/2019
105	Steffanie	Stump	sncharlesworth@aol.com					2/23/2019
106	Ann	Hubler	ahubler@me.com	San Diego	CA	US	858-414-4797	2/21/2019
107	Linda	Winkler	lindawinkler@cox.net					2/21/2019
108	Kyler	Keuning	superkyler8000@yahoo.com					2/21/2019
109	David	Keuning	dbk3000@yahoo.com					2/21/2019
110	Paula	Cross	pcsd4me@yahoo.com					2/21/2019
111	Cara	Cross	caraqc@gmail.com					2/21/2019
112	Mike	Hood	hooder1640@hotmail.com	Poway	CA	US	(858) 254-8449	2/21/2019
113	Teresa	Boardman	steveandteresa2017@gmail.com	Lakeside	CA	US	(619) 504-5938	2/21/2019

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114	Emily	Turner	emlow44@yahoo.com					2/17/2019
115	Lacey	Henry	laceyataylor@yahoo.com	San Diego	CA	US	(703) 989-3101	2/1/2019
116	John	Danforth	jdanforth1947@gmail.com					11/12/2018
117	Laurie	Lerner	lserenity7@gmail.com	Los Angeles	CA	US		11/2/2018
118	Yana	Zubtsova	zubtsova.yana@gmail.com	Toronto	ONTARIO	CANADA	647-889-6590	9/30/2018
119	Rachel	Toth	rachel.k.toth@gmail.com	Tucson	AZ	US		9/30/2018
120	Ekaterina	Grekova	www-katia-3@yandex.ru					9/28/2018
121	Caroline	Acheatel	cache012@gmail.com	La Jolla	CA	US		9/7/2018
122	Mariana	Briones	mbrio002@fiu.edu	Miami	FL	US	(786) 837-4868	8/8/2018
123	Angel	Ricci	angel.shugar@gmail.com	Edmonton	ALBERTA	CANADA	616-40 ave nw	7/14/2018
124	Robert M/caro	Reed	rreed@va.metrocast.net	Hardyville	VA	US	-	7/9/2018
125	Iolanda	Stypulkowski Chiumeo	istyc3@yahoo.com.br	Porto Alegre	RIO GRANDE DO SUL	BRAZIL	51 991130290	6/22/2018
126	Martha	Guhlich	guhlichmartha@yahoo.de	Munich		GERMANY		6/17/2018
127	Manel	Dias	maneldias@hotmail.com	Surrey	BC	CANADA		6/14/2018
128	Mary	White	dewys@me.com	La Jolla	CA.	US	858-246-7133	6/13/2018
129	Kris	Aaron	emory_kris_aaron@hotmail.com	Colorado Springs	CO	US		6/11/2018
130	Bu	Morel	fasterphyl@yahoo.com	White Pine	TN	US		6/10/2018
131	Emma	Rugari	emma.rugari@hotmail.com					6/9/2018
132	Sandra	Bywater-hoather	sandrahoather@hotmail.com	Basel	BASEL	SWITZERLAND		6/9/2018
133	Joelle	Porter	joellefraser@yahoo.com	Susanville	CA	US	(530) 251-0686	6/9/2018
134	Natalie	Duraise	arusha21@att.net	Oak Park	IL	US		6/8/2018
135	Darwin	Figueroa	darwin.fi@aol.com	Quintero	VALPARAÍSO	CHILE	(5695) 815-3158	6/8/2018
136	Hada	Bajayo	hada100@comcast.net	Davie	FL	US	(954) 423-0805	6/8/2018
137	Ki	Paul	kodimeg8@yahoo.com	Denver	CO	US		6/8/2018
138	Sid	Shapiro	sid@sidshapirocpa.com	San Diego	CA	US	(858) 566-1640	6/8/2018

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
139	Dr Stefan	Petersen	stefan-petersen@t-online.de					6/8/2018
140	Gerri	Baer	gerribaer@comcast.net	Malvern	PA	US	610 408 - 0844	6/8/2018
141	Norman	Olson	bentbike3@yahoo.com	San Diego	CA	US		6/8/2018
142	Tess	Husbands	tushi43@hotmail.com	San Diego	CA	US	(858) 268-8245	6/8/2018
143	Rustom	Jamadar	rustomjamadar@yahoo.com	San Diego	CA	US		6/8/2018
144	William	Graziano	wvgraziano@verizon.net					6/8/2018
145	Tamara	Gossard	tgoss47@yahoo.com	Naples	FL	US	239-595-5726	6/8/2018
146	Laura	Jones-bedel	catcorp1@gmail.com	San Diego	CA	US	(619) 517-9880	6/8/2018
147	Connie	Beck	holisticgardener@hotmail.com	El Cajon	CA	US		6/8/2018
148	David	Shannahoff-khalsa	dsk@ucsd.edu					6/8/2018
149	Manuela	Brechlin	gnocchi_ella@web.de					6/8/2018
150	Sara	Bernardi	megliani.sara@it.sika.com					6/8/2018
151	Devon	Warner	dvonsr@gmail.com					6/8/2018
152	Marie	Luna	lunaarbol@gmail.com	Appleton	WI	US		6/3/2018
153	P.	Frederick	parnee@live.com					6/2/2018
154	Carol	Hoke	carolhoke08@gmail.com	Conover	NC	US		5/25/2018
155	Alston	Palmer	halstonpalmer@gmail.com	San Diego	CA	US		4/29/2018
156	Mary Ann	Hawke	hawkema@gmail.com	San Diego	CA	US		4/27/2018
157	Lauren	Pavia	laurenepavia@gmail.com	Atlanta	GA	US		4/27/2018
158	Cherill	Ulibarri	indigosea11@aol.com	La Mesa	CA	US		3/29/2018
159	Byron	Murphy	byronmurphy@gmail.com			US	(619) 977-4101	3/19/2018
160	Annie	Powell	powellfamily@epbfi.com	Harrison	TN	US	(423) 667-7910	3/8/2018
161	Hannah	Fullmer	hafullmer78@gmail.com					3/7/2018
162	Otis	Hilbert	otishilbert@aol.com	Saint Paul	MN	US		2/27/2018
163	Claudia	Bordin	cbdesign@surewest.net	Solana Beach	CA	US	916-736-3450	2/14/2018
164	Joslyn	Rogers	joelroge@ucsc.edu	La Jolla	CA	US		1/19/2018
165	Jasmin	Sherif	jasmin_513@hotmail.com					1/18/2018
166	Mark	Kamimura	mkamimura@yahoo.com	Stanton	CA	US	562-547-8111	12/31/2017
167	Kristin	Wise	kristinleigh59@yahoo.com	Tallahassee	FL	US		12/7/2017

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168	Kendall	Chapman-ryan	kendallchapr@gmail.com	San Antonio	TX	US		11/27/2017
169	Natalie	Alban	nataliealban@yahoo.com	Middletown	CT	US		10/29/2017
170	Xiomara	Cuevas	unh.xcuevas@gmail.com	Middletown	CT	US	(718) 915-4757	10/29/2017
171	Sinhai	Dorantes	sinhaid9@gmail.com	Fallbrook	CA	US		9/28/2017
172	Elissa	Wagner	leeseve@aol.com	Aptos	CA	US		8/22/2017
173	Sara	Hahn	slhahn@gmail.com	Los Angeles	CA	US	(917) 555-5555	8/16/2017
174	Leanne	Richardson	prairiedgy@aol.com					8/5/2017
175	Caroline	Brown	choughtonbrown@gmail.com					7/30/2017
176	Summer	Swaine	sdswaine05@yahoo.com					7/24/2017
177	Mary	Rivas	rv221@aol.com	Riverton	NJ	US	856 786 4110	7/15/2017
178	Mai	Van	shivasice@yahoo.com	San Diego	CA	US		7/12/2017
179	Andrew	Robbins	arobb1017@aol.com	Nyc	NY	US	(212) 580-6120	7/6/2017
180	Sandy	Coughlin	sandragailj@yahoo.com	Cambridge	MD	US	(410) 330-2187	7/1/2017
181	Iris	Pfelders	pfelders_iris@yahoo.de	Munich		GERMANY	(498) 950-1212	6/28/2017
182	Mariel	Klosewicz	marielzub@gmail.com	Ciudad Autonoma De Buenos Aires	CAPITAL FEDERAL	Argentina		6/15/2017
183	Dawn	Seideman	dawnmadison1@hotmail.com	San Diego	CA	US		6/10/2017
184	Shantanu	Batta	shantanu_21aug@yahoo.in					6/4/2017
185	Elisabetta	Salterio	e.salterio@libero.it					6/4/2017
186	Lanette	Rapp	gtscadmom@yahoo.com	Deland	FL	US	(386) 624-7355	6/3/2017
187	Michèle	Racicot	guidogoat@gmail.com	Apple Hill	ON	CANADA		6/3/2017
188	Elizabeth	Chapman	fritzberry@yahoo.com	Carlsbad	CA	US		6/2/2017
189	Lynn	Bruset	lpbruser@yahoo.com	La Jolla	CA	US	(858) 335-3189	6/2/2017
190	Mindie	Sivey	mindiesivey@yahoo.com	Highlands Ranch	CO	US	720-735-6244	5/30/2017
191	Jacquelin	Young	jayung@pacbell.net	San Dieg	CA	US		5/30/2017
192	Małgorzata	Domaradzka	mgdomaradzka@onet.pl	Krosno		POLSKA	(69) 206-3748	5/30/2017
193	Elizabeth	Osorno	elizabeth.osorno17@gmail.com	Chicago	IL	US		5/29/2017
194	Ann-mari	Bergström	amibergstrom@yahoo.com	Helsinki		FINLAND		5/29/2017

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195	Shelley	Plumb	sheljoy@san.rr.com	San Diego	CA	US	(858) 453-5943	5/28/2017
196	Freya	Harris	cyberkedi@hotmail.com					5/28/2017
197	Eva	Orlowski	eorlowski78@gmail.com	Woodstock	NY	US		5/28/2017
198	Angel	Ricci	shugardiamonds@yahoo.ca	Edmonton	AB	CANADA		5/28/2017
199	Alexandra	Cazier	alexandra.cazier3@sfr.fr					5/28/2017
200	Mie	Otani	miepiejp@yahoo.co.jp	Kawasaki	KANAGAWA	JAPAN	(909) 136-8074	5/28/2017
201	Gabriela Maria	Jiménez	gabrielajr@hotmail.es	Tegucigalpa	FRANCISCO MORAZÁN	HONDURAS		5/27/2017
202	Laura	Waterworth	snip-first@att.net					5/27/2017
203	April	Louis	april@aprillouis.com	San Diego	CA	US		5/27/2017
204	Marta	Garcia Gutierrez	martagarciagut@gmail.com	La Massana		ANDORRA		5/27/2017
205	Enrico	Lana	enrlana@libero.it	Chivasso	TORINO	ITALY		5/26/2017
206	Peter	Veenstra	ptveens@aol.com	San Diego				5/26/2017
207	Andrea	Smith	andreasmith1985@aim.com	Newfield	NJ	US	(856) 555-5555	5/26/2017
208	Judith	Bayer	jbayer820@yahoo.com	San Diego	CA	US	(858) 547-3542	5/26/2017
209	Alexandr	Yantselovskiy	yalexandr@ukr.net	Clermont	FL	СОЕДИНЕННЫЕ ШТАТЫ		5/26/2017
210	Liz	Rose	jefbefinn@yahoo.com	Zanesville	OH	US	(740) 451-0492	5/26/2017
211	Marko	Vodenicar	vodenus@gmail.com	Zagreb		CROATIA		5/26/2017
212	Christine	Cerqueda	catcaley@ymail.com			Philippines		5/26/2017
213	Anita	Heitmann	ajheitmann@live.no	Alta		NORGE		5/26/2017
214	Stefanie	Hunscha	stefanie.hunscha@gmx.de	Iserlohn		GERMANY		5/25/2017
215	Sia	Kaskas	siakaskas@yahoo.com					5/25/2017
216	Mijanou	Sutcliffe	tabora@telus.net	West Vancouver	BC	CANADA		5/25/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
217	Tonya	Wheatley	wheatleytonya@gmail.com	North Vancouver	BC	CANADA	(778) 386-7884	5/25/2017
218	Stéphanie	Le Goff	stephanielegoff@neuf.fr	Bonny Sur Loire	RÉGION CENTRE	FRANCE		5/25/2017
219	Boštjan	Dominc	bostjan.dominc@gmail.com	Kidricevo		SLOVENIJA		5/25/2017
220	Larisa	Long	larisa.long@icloud.com	Woodstock	IL	US	(815) 236-3278	5/25/2017
221	Gail	Farmer	gaillfarmer416@gmail.com	Kansas City	KS	US	(913) 789-9471	5/24/2017
222	Steph	Hankey	stephaniehankey@hotmail.com					5/24/2017
223	Ingrid	Katzberg	ingridychiquita@hotmail.com	North Vancouver	BC	CANADA	(604) 354-8525	5/24/2017
224	Dominique	Holy	dominiqueholy@shaw.ca	Los Angeles	CA	US	403-287-5804	5/24/2017
225	Amanda	Maughmer	amaughmer@yahoo.com					5/24/2017
226	Joanna	Stalker	stalker1607@aol.com					5/24/2017
227	Christian	Tate	christian.tate@gmail.com					5/24/2017
228	Matt	Larsen	get_rad@yahoo.com	Cedarburg	WI	US		5/24/2017
229	Bradley	Floyd	bradleyfloyd@gmail.com	Murrells Inlet	SC	US	(843) 325-9700	5/24/2017
230	Michael	Waters	wldwaters@gmail.com	Sedona	AZ	US	(928) 554-1317	5/24/2017
231	Laura	Mandacen	lauram747@hotmail.com	Bucerias	NAYARIT	MEXICO		5/24/2017
232	C.l.	Morgan	48blackvelvet@gmail.com	San Diego	CA	US		5/24/2017
233	Marilee	Mclean	marileemclean@roadrunner.com	Solana Beach	CA	US	619-993-9126	5/23/2017
234	Douglas	Elliott	calypsoseaocean@yahoo.com	Vista	CA	US	(760)458-8561	5/23/2017
235	Joan	Squires	jc.vegan@yahoo.com	Oceanside	CA	US		5/23/2017
236	Virginia	Mendez	virginialefay@gmail.com	Hollywood	FL	US		5/23/2017
237	Mary	Sena	mary.sena@sbcglobal.net	Wethersfield	CT	US	860-529-9494	5/23/2017
238	Les	Roberts	hobo17pollie@gmail.com					5/23/2017
239	Christine	Young	chrissy52@san.rr.com	San Diego	CA	US		5/23/2017
240	Sally	Neary	sallyneary@yahoo.com	Kent	WA	US	425-351-0643	5/23/2017
241	Nicky	Stebbings	nickystebbings@yahoo.com					5/23/2017
242	Cherry	Meadley	cmeadley@shaw.ca					5/23/2017
243	Debra	Bruegge	debruegge@zoomtown.com	West Chester	OH	US		5/23/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
244	Sandra	Arapoudis	martheo@otenet.gr					5/23/2017
245	Fnuggi	Olsen	fnuggiolsen@gmail.com					5/23/2017
246	Kathe	Myrick	kmyrick@sandiego.edu	El Cajon	CA	US		5/23/2017
247	Derrick	Robinson	derrickr30@aol.com	Burbank	IL	US		5/23/2017
248	Yolanda	Campbell	yolac1994@gmail.com	San Diego	CA	US	(858) 385-0671	5/23/2017
249	Axa	Tolonen	axa.tolonen@gmail.com	Tampere	HÄRMÄLÄ	FINLAND		5/23/2017
250	Stephanie	Marble	marble.steph@gmail.com	Carlsbad	CA	US		5/23/2017
251	Maria Magdale	Mestre Vicedo	malenmv@hotmail.com	Palma De Mallorca		SPAIN		5/23/2017
252	Julia	Waller	polan@tiscali.co.uk	London	England	UK		5/23/2017
253	Sarah	Eastin	seastin1812@gmail.com					5/23/2017
254	Krisztina	Toth	tothkri80@gmail.com					5/23/2017
255	Isabel	San Gabino	kokoamix@hotmail.com	Madrid	MADRID	ESPAÑA	34 918579365	5/23/2017
256	Vahid	Pooya	vahid.pooya@yahoo.com					5/23/2017
257	Gabriele	Schmid	gabschmid@web.de					5/23/2017
258	Michelle	Rice	shellaroo@yahoo.com	Olmsted Twp	OH	US	440-235-4850	5/23/2017
259	Isabelle	Fernandes	iza-92@hotmail.fr	Meudon La Foret	AUTRE	FRANCE		5/23/2017
260	Marie	Boukhalil	marieboukhalil@yahoo.com			FRANCE		5/23/2017
261	Nina	Gondos	ninaninettev@hotmail.com	Anchorage	AK	US		5/23/2017
262	Katharina	Beckord	palmito-kb@gmx.de					5/23/2017
263	Audrey	Mannolini	audreyspuppy@aol.com	Huntington Beach	CA	US	714-965-9095	5/23/2017
264	Kathy	Shores	shoresko@aol.com	Tempe	AZ	US	480 967-7771	5/22/2017
265	Poonam	Sihota	psihota17@gmail.com	Surrey	BC	CANADA		5/22/2017
266	Laura	Gandolfo	lvampy@aol.com	Ridgewood	NY	US	(917) 747-2395	5/22/2017
267	C.	Martinez	camiz@sbcglobal.net	San Diego	CA	US		5/22/2017
268	Guy	Corvers	nady.corvers@ond.vlaanderen.be			BELGIUM		5/22/2017
269	Eliza	Ohlund	elizaohlund@gmail.com	Valskog		SWEDEN	(70) 327-1518	5/22/2017
270	Brent	Larsen	b.larz@larzequipment.com	San Diego	CA	US	(619) 876-3839	5/22/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
271	Erin	Fitzgerald	erinfitz246@gmail.com	La Jolla	CA	US		5/22/2017
272	Darius	Fattahipour	fattahipour@yahoo.com	San Diego	CA	US		5/22/2017
273	Lisa	Fenstermacher	lisamacdonald78@yahoo.com	Garland	TX	US	(214) 734-0832	5/22/2017
274	Randi	Ross-quick	rrq33@aol.com					5/22/2017
275	Ana	Castaños	bonitalearningacademy@yahoo.com	Chula Vista	CA	US		5/22/2017
276	S	Wolf	slwolf@inbox.com	San Diego	CA	US	(858) 548-1006	5/22/2017
277	Judith	Edwards	jdancergirl@hotmail.com	La Mesa	CA	US	619-313-3322	5/22/2017
278	Oscar	Gutierrez	blackrosestudios@me.com	San Diego	CA	US		5/22/2017
279	Carl	Lemelin	c-lemelin@videotron.ca	Lachine	QUEBEC	CANADA	514-634-8602	5/22/2017
280	Rosemary	Bystrak	rosemary@sddialedin.com	San Diego	CA	US		5/22/2017
281	Diane	Tabbott	tabboo@bellsouth.net	Jacksonville	FL	US	904-743-5175	5/22/2017
282	Kenneth	Robertson	kcrmusic@kc.rr.com	Kansas City	MO	US	816 321-6006	5/22/2017
283	Madhavi	Madhurapantula	escape2ny@gmail.com	Hollis	NY	US		5/22/2017
284	Lina	Poskiene	lposkiene@yahoo.com	Delray Beach	FL	US		5/22/2017
285	Lora	Tange	lora.tange@cox.net	San Diego	CA	US		5/22/2017
286	Paulo	Nührich	paulo.nuhrich@terra.com.br	Porto Alegre - Rs - Brasil		BRASIL		5/22/2017
287	Roxanna	Veras	rxveras@aol.com	Jackson	NJ	US	(917) 748-0838	5/22/2017
288	Brianna	Kohlenberg	itsbri01@q.com					5/22/2017
289	Robert	Honish	robhonish@yahoo.com					5/22/2017
290	Juanita	Chavez	juanitachavez23@yahoo.com	San Diego	CA	US		5/22/2017
291	Joy	Mamoyac	salmonberries@msn.com	Corvallis	OR	US	541 754-3327	5/22/2017
292	Marilyn	Logan	mklogan19@aol.com	Prairie Village	KS	US	(913) 980-8883	5/22/2017
293	Hannelore	Ciccarelli	omaoropa@yahoo.com	La Jolla	CA	US	(858) 450-9883	5/22/2017
294	Kathy	Galvin	1kathygcja@att.net	San Diego	CA	US		5/22/2017
295	Anett	Eichler	aejody@att.net					5/22/2017
296	Katherine S	Stewart	kaytaff@sbcglobal.net	San Diego	CA	US	858-292-1233	5/22/2017
297	Saskia	Santos	dazoo12@yahoo.com	Columbia	SC	US	352-271-0936	5/22/2017
298	Jo	Gibson	johanna_gibson@hotmail.com					5/22/2017

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299	Mary	Grimmer	marye0323@comcast.net	Grayslake	IL	US	224-440-5724	5/22/2017
300	Sue	Johnson	iyq2day@comcast.net	Concord	CA	US		5/22/2017
301	Donna	Coleman	snowball13@sbcglobal.net	Middletown	CT	US		5/22/2017
302	Laëtitia	Petit	old_mc@hotmail.fr					5/22/2017
303	Karen	Matkovic	karen1753@aol.com	Bronx	NY	US	(718) 863-6763	5/22/2017
304	Theresa	Everett	theresa.everett.t@aol.com	Bronx	NY	US	(718) 409-4132	5/22/2017
305	Linda	Gazzola	xenafan431@aol.com	Bronx	NY	US	(718) 409-4132	5/22/2017
306	Maria	Coutino	emyiei@gmail.com	Grenoble	Grenoble	FRANCE		5/22/2017
307	Laura	Napoleon	lnap252@aol.com					5/22/2017
308	Neill	Butler	newbut@googlemail.com					5/22/2017
309	Elena	Sabadell	elenaguasch11@telefonica.net	Barcelona		ESPAÑA		5/22/2017
310	Frances	Bell	franny.me@hotmail.com					5/22/2017
311	M	P	morrisseyperfetti@yahoo.com					5/22/2017
312	Anne-marie	Neckebroeck	aneckebroeck@yahoo.fr	Wetteren	BELGIUM	BELGIË		5/22/2017
313	Diane	Aliperti	dta00051@gmail.com	North Port	FL	US		5/22/2017
314	Margit	Otterbach	margit.otterbach@chello.at	Vienna		AUSTRIA		5/22/2017
315	Paula	Parker	pparker@epbfi.com					5/22/2017
316	Francine	Traniello	angelface--1@webtv.net	Middleboro	MA	US		5/22/2017
317	Lidia	Baltazar	lidiabaltazar@hotmail.com	Sabugal	SABUGAL	PORTUGAL		5/22/2017
318	Garrine	Petersen	rickandjeri@copper.net	Sun Valley	CA	US		5/22/2017
319	Yvonne	Hyatt	hyattisle@msn.com					5/22/2017
320	Morvan	Catherine	catherine.morvan@am.natixis.com	Paris		FRANCE		5/22/2017
321	Tixier	Catherine	catherine.tixier@am.natixis.com	Paris		FRANCE		5/22/2017
322	Rasika	Jain	rasika.sammy@gmail.com	San Marcos	CA	US	(760) 975-1755	5/22/2017
323	Robin	Goldansky	robin@robinlikeabird.com	Scottsdale	AZ	US		5/22/2017
324	Shelva	Wood	shelvajwood2004@yahoo.com	Plano	TX	US	972-881-9082	5/22/2017
325	Judith	Basye	judithbasye@yahoo.com	Mcminnville	OR	US		5/22/2017
326	Tammie D	Rayburn	stylechick7@gmail.com	Deerfield Beach	FL	US		5/22/2017
327	Sarah	Friedenberg	sarahfriedenberg@aol.com					5/22/2017

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328	Lanelle	Lovelace	ellel7@yahoo.com	Columbia	CA	US		5/22/2017
329	Christine	Anderson	chris@lafmore.com	Lafayette	CA	US		5/22/2017
330	Anne	Wills	annemg7@yahoo.com	Phoenix	AZ	US	847-208-1885	5/22/2017
331	Maria	Stoll	comrealmarstoll@aol.com					5/22/2017
332	Kimberly	Heim	k.heim827@gmail.com					5/22/2017
333	Roland	D'amour	theputridexistence@gmail.com					5/22/2017
334	Larry	Barker	larry_92108@yahoo.com	San Diego	CA	US	619-284-5372	5/22/2017
335	Jennifer	Rodriguez	jenniferrodriguezmd@yahoo.com	Newmarket	ONTARIO	CANADA		5/22/2017
336	Tom	Falvey	tefalvey@gmail.com	San Diego	CA	US		5/22/2017
337	Teresa	Norris	tanorris@cox.net	Poway	CA	GERMANY		5/22/2017
338	Irina	Clark	clarkirina@yahoo.com					5/22/2017
339	Leigh	Saunders	peace2@ihug.co.nz	Hastings		NEW ZEALAND		5/22/2017
340	Konstantina	Karadima	drkaradima@yahoo.com			GREECE		5/22/2017
341	Kurt	Amsler	kurt@photosub.com	Bandol		FRANKREICH		5/22/2017
342	Margot	Lowe	margotlowe1@gmail.com	Oceanside	CA	US		5/22/2017
343	Cori	Craft	coricraft@gmail.com	Denver	CO	US	(303) 241-7277	5/22/2017
344	Harald	Steen	hwsteen69@hotmail.com	Oslo		NORGE		5/22/2017
345	Jodi	Bell	jodibell@kennebell.net	Rancho Cucamonga	CA	US	(909) 331-5113	5/22/2017
346	Chris	Stearns	chrisinob@juno.com					5/22/2017
347	Maz	James	molliecollie1@yahoo.co.uk					5/22/2017
348	Caroline	Carver	carolinecarver2015@yahoo.com	San Diego	CA	US		5/22/2017
349	Morera	Valerie	vmorera95@gmail.com	Eaubonne		FRANCE		5/22/2017
350	Mary	Furlong	notfurlong@hotmail.ca	Lasalle	QUEBEC	CANADA		5/22/2017
351	Karen	Chenoweth	aboutgod1@gmail.com	Broomfield	CO	US		5/22/2017
352	Phillip	Anderton	phillip.anderton27@gmail.com	Poole		UK		5/22/2017
353	Anna	Myers	anna.cardiakides@gmail.com	Malmö	SKÅNE LÄN	SVERIGE		5/22/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
354	Maja	Hegelund	majashege@yahoo.com		FREDERIKSBERG	DENMARK		5/22/2017
355	Twyla	Meyer	tmmacc15@aol.com	Pomona	CA	US		5/22/2017
356	Sandi	Crist	sandicats5@mediacombb.net	East Moline	IL	US	309-796-1837	5/22/2017
357	Penny	Spanorriga	spanorig@gmail.com	Athens		GREECE		5/22/2017
358	Wendy	Mendoza	wendy.mendoza.1890@gmail.com					5/22/2017
359	Juliet	Bakir	julide_bakir@yahoo.com	San Diego	CA	US		5/22/2017
360	Carla	De Mos	5hopping@hotmail.com	San Diego	CA	US	(858) 638-2702	5/22/2017
361	Ann	Coz	acoz1966@yahoo.com	Nashville	TN	US	615-714-5223	5/22/2017
362	Bobbi	Beck	bobbieven@hotmail.com	North Las Vegas	NV	US		5/22/2017
363	Robert	Gabriel	doctorob@gmail.com	Olympia	WA	US	(360) 489-0131	5/22/2017
364	Sam	Lee	slee@aimeyewear.com	San Diego	CA	US		5/22/2017
365	Tami	Cross	tamicross@aol.com	San Diego	CA	US		5/22/2017
366	Brittany	Thuang	bthuang@aimeyewear.com	San Diego	CA	US		5/22/2017
367	Nicole	Bedross	nbedross@aimeyewear.com	San Diego	CA	US		5/22/2017
368	Liza	Balana	lbalana@aimeyewear.com	San Diego	CA	US		5/22/2017
369	Stephanie	Kermper	skemper@aimeyewear.com	San Diego	CA	US		5/22/2017
370	Michael	Nagle	nmichael@aimeyewear.com	San Diego	CA	US		5/22/2017
371	Elaine	Blumberg	elainejblumberg@gmail.com					5/22/2017
372	Shirley	G	gshirley@aimeyewear.com	San Diego	CA	US		5/22/2017
373	Amina	Madadi	bunnybenny77@gmail.com	Sétif	SÉTIF	ALGERIA		5/22/2017
374	Linda	Jalving	ljalving@san.rr.com	San Diego	CA	US		5/22/2017
375	Hazel	Hamilton	hazel.hamilton@googlemail.com	Edinburgh		UK		5/22/2017
376	Jeanne	Mcglenister	lexxygreen@gmail.com	St Catharines	ON	CANADA		5/22/2017
377	Brian	Smale	brian.smale@boehringer-ingelheim.com	Burlington	ONTARIO	CANADA		5/22/2017
378	Lesley	Mcglenister	lexxyred@bell.net	St Catharines	ONTARIO	CANADA		5/22/2017
379	John And Susan	Davis	18jdavis@att.net	Del Mar	CA	US		5/22/2017
380	Constance	Franklin	cfjanuary@att.net	Los Angeles	CA	US		5/22/2017
381	Sylvie	Ries	silv@tango.lu	Calmus		Luxemburg		5/22/2017

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382	Carolina	Villarreal	cvm1110@hotmail.com	Queretaro	QUERETARO	MÉXICO	(442) 343-3406	5/22/2017
383	Sonja	Nielsen	nishemi@gmail.com					5/22/2017
384	Anastacia	Hanauer	attitudesmiles7@yahoo.com	San Diego	CA	US		5/22/2017
385	Kalinke	Ten Hulzen	kalinke9@gmail.com	Ede, Netherlands		Nederland	0318-646113	5/22/2017
386	Linda	Lyerly	llyerly7@gmail.com	Lahaina	HI	US		5/22/2017
387	Luca	Minelli	reemul64@gmail.com	Parma		ITALY		5/22/2017
388	Angela	Peters	aepbuffalo@aol.com	Arlington Heights	IL	US		5/22/2017
389	Pamela	Nowlan	pamhasemail@yahoo.com	San Diego	CA	US		5/22/2017
390	Elizabeth	Nash	enash1@gmail.com	Del Mar	CA	US		5/22/2017
391	Theresa	Mullins	kiwiariz@aol.com				619-971-0329	5/22/2017
392	Jill	Mulato	jillmulato@cox.net					5/22/2017
393	Esther	Garvett	egarvett@gmail.com	Miami	FL	US	(305) 382-9710	5/22/2017
394	Crsig	Decker	spike@spikeandmike.com	Lajolla	CA	US		5/22/2017
395	Ken	Aven	krane7@me.com					5/22/2017
396	Gail	Roberts	igailroberts@gmail.com	Tecate	CA	US		5/22/2017
397	Roderick And C	Brown	rodandthiabrown@cox.net	San Diego	CA	US		5/22/2017
398	Christine	Waters	h2oscoolchris@att.net					5/22/2017
399	Malgorzata	Wisniewska	wisniewskamargherita@libero.it	Fano	PU	ITALY		5/22/2017
400	Jorge	De Cecco	bndass@yahoo.com					5/22/2017
401	Jessica	Foster	jessfost@gmail.com	Milwaukee	WI	US		5/22/2017
402	Luciene	Cantarelli	abluc@hotmail.com	Oceanside	CA	US	(760) 703-0446	5/22/2017
403	Shirley	Mills	shirleymills12@yahoo.co.uk					5/22/2017
404	Rui	Azevedo	rui.p.azevedo@gmail.com					5/22/2017
405	Joann	Smith	ilvclyns@cox.net	Aliso Viejo	CA	US	(310) 617-6985	5/22/2017
406	Laura	Canaletti	laura.canaletti@ec.europa.eu	Overijse		BELGIUM		5/22/2017
407	Philomene	Offen	philoff@san.rr.com	La Jolla	CA	US	(858) 459-2423	5/22/2017
408	Clare	Hooson	clarehooson@yahoo.com					5/22/2017

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409	Paige	Wight	paige.butler92@gmail.com	Delta	BC	CANADA	(604) 437-9311	5/22/2017
410	Kathryn	Garr	garrgoyle63@gmail.com	Escondido	CA	US		5/22/2017
411	Meghan	Tracy	meghantracy@ymail.com	Long Beach	CA	US		5/22/2017
412	Robin	Mater	robin@gmail.com	New York	NY	US		5/22/2017
413	Robin	Kohler	robin4health@sbcglobal.net	San Diego	CA	US		5/22/2017
414	Emily	O'sullivan	e.osullivan@cox.net					5/22/2017
415	Daliel	Leite	monitors@sealwatch.org					5/22/2017
416	William	Babcock	wa4lrm@gmail.com	San Diego	CA	US		5/22/2017
417	Dia	Schumacher	mrs.schu@yahoo.com	Clearwater	FL	US		5/22/2017
418	John	Schumacher	johnnyponytail@yahoo.com	Clearwater	FL	US		5/22/2017
419	Elizabeth	Struve	lizstruve@yahoo.com	La Jolla	CA	US	(858) 459-4627	5/22/2017
420	Christine	Dunn	samdunnathome@aol.com		GA	US		5/22/2017
421	David	Hladík	ramiusmarko@seznam.cz			CZECH REPUBLIC		5/22/2017
422	Irene	Gilgoff	irenegilgoff@aol.com	Los Alamitos	CA	US	562-596-3368	5/22/2017
423	Kathryn	Burton	kburton@san.rr.com	San Diego	CA	US	(858) 755-2128	5/22/2017
424	Kristin	Erlandson	kerlandson82@gmail.com	El Cajon	CA	CA	(619) 931-4693	5/22/2017
425	Andrew	Jones	andrew.jones@ashford.edu	San Diego	CA	US		5/22/2017
426	C	Delgado	sweetz_21_83@yahoo.com					5/22/2017
427	Barbara	Mazzotta	bfmazzptta@gmail.com	Milano	ITALY	ITALY		5/22/2017
428	Chloe	Pride	chloebean84@yahoo.com	Saint Charles	MO	US		5/22/2017
429	Heather	Friedman	heather@amitfineart.com	Santee	CA	US		5/22/2017
430	Susan	Fleming	misscat@netwiz.net	Belmont	CA	US		5/22/2017
431	Monika	Huber	monika.huber.vienna@gmx.at	Vienna		ÖSTERREICH		5/22/2017
432	Simone	Wunderlich	panthera_leo37@web.de	Wunsiedel	BAYERN	DEUTSCHLAND	(9232) 919-6989	5/22/2017
433	Jenne	Sindoni	jennesin911@hotmail.com	Wilmington	MA	US	(774) 322-0610	5/22/2017
434	Lea	Mohr	zipperlm@aol.com	Wildomar	CA	US		5/22/2017
435	Lisa	Ponfick	lisaponfick@yahoo.com	Helena	MT	US		5/22/2017
436	Doris	Cloud	cloudeee@comcast.net	Sarasota	FL	US		5/22/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
437	Judith	Lawrence	lawjudy@aol.com					5/22/2017
438	Mike	TRUE	mike.true@virgin.net	London		UK		5/22/2017
439	Patrice	Rees	moonbeams002@hotmail.com	Encinitas	CA	US		5/22/2017
440	Mary	Miller	maryj41@comcast.net	Paradise	PA	US		5/22/2017
441	Ezia	Mello	em98135@gmail.com					5/22/2017
442	Anna	Linnell	bambi1977@me.com	Birmingham	West Midlands	UK	(796) 654-3176	5/22/2017
443	Daniele	Caravagna	daniele.caravagna@gmail.com	London	--NA--	UK		5/22/2017
444	Judy	Bash	dandjob@att.net	Little Rock	AR	US	(501) 664-1214	5/22/2017
445	Anita	Kreager	savymom@sbcglobal.net	Chula Vista	CA	US	(619) 421-6401	5/22/2017
446	I M	Lopez	adolfolopez13@gmail.com	San Diego	CA	US		5/22/2017
447	Laurent	Zoonekynd	lzoonekynd@free.fr	Paris		FRANCE		5/22/2017
448	Carmen	Cocores	cranchcocores@yahoo.com	Bonner	MT	US	(406) 244-3671	5/22/2017
449	Jamie	Rose	hadjlr@vmmc.org	Tacoma	WA	US	253-448-2480	5/22/2017
450	Mark	Huston	markhuston@cox.net					5/22/2017
451	Moran	Sulema	moransu22@gmail.com					5/22/2017
452	Wolfgang	Tschida	fdsbujid546564fdf@hotmail.com					5/22/2017
453	John	Peterson	john.vernon.peterson@gmail.com	Mcminnville	OR	US	971-241-9828	5/22/2017
454	Clare	Colquitt	ccolquitt2@cox.net	San Diego	CA	US		5/22/2017
455	Shannon	Jacobs	sherman1971@yahoo.com					5/22/2017
456	Lisa	Koehl	lkoehl@snet.net	Ormond Beach	FL	US		5/22/2017
457	Robert	Lavers	harlequin_@msn.com	London		UK		5/22/2017
458	Shelley	Frazier	fshell1602@yahoo.com	Durham	NC	US		5/22/2017
459	Christine	Young	bell123burn@gmail.com	Bishop Auckland		UK		5/22/2017
460	Emilia	Wolfova	cestye@yahoo.co.uk	Zm		SPOJENÉ ŠTÁTY		5/22/2017
461	Enrico	Birocchi	enricobirocchi@yahoo.com.br					5/22/2017
462	Stacey	Pitsch-stumpf	stacealita@yahoo.com	Altoona	WI	US	(715) 514-4497	5/22/2017
463	Deborah	Spencer	kodashila1@verizon.net	Billerica	MA	US	617-771-7968	5/22/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
464	Sarah	Franzel	sarahestherfranzel@gmail.com	Chicago	IL	US	(207) 332-4556	5/22/2017
465	R	Caruso	realestatenotes@aol.com					5/22/2017
466	Kim	Watson	watsonk07@hotmail.com	Dakota City	NE	US		5/22/2017
467	Debbie	Calvello	debrany19@aol.com	Greenwich	CT	US		5/22/2017
468	Renate	Rupprechter	renate.rupprechter@uibk.ac.at					5/22/2017
469	Tara	Hottenstein	thottens@gmail.com	Gulfport	FL	US		5/22/2017
470	Mary	Palladino	lizzitishers@hotmail.com	Albany	NY	US	(518) 456-8445	5/22/2017
471	Maria	Schiller	schillermaria@yahoo.co.uk					5/22/2017
472	Elizabeth	Orr	liz.orr@prodigy.net	San Diego	CA	US		5/22/2017
473	Duncan	Seffern Ii	duncanseffern@yahoo.com					5/22/2017
474	Mirela Mona	Prada	mirelaprada@yahoo.com	Cluj-napoca		ROMANIA		5/22/2017
475	Luis	Fuentes	luisgfuentes10@gmail.com	Palm Springs	CA	US	(619) 890-9090	5/22/2017
476	Annmarie	Parmenter	xzarri@aol.com	Belleville	NJ	US		5/22/2017
477	Tonya	Dysart	tdysart@sandi.net	San Diego	CA	US		5/22/2017
478	Tina	Stokes	sunitastokes@gmail.com					5/22/2017
479	Jamie	Webster	jamie010974@yahoo.com	Jupiter	FL	US	(561) 339-3104	5/22/2017
480	Lucie	Moskalenková	lucynka@post.cz	Troubsko		CZECH REPUBLIC		5/22/2017
481	Nancy	Glynn	nbglynn6@gmail.com	Alexandria	VA	US	(703) 799-6560	5/22/2017
482	Heli	Perala	helimperala@gmail.com	Espoo		FINLAND		5/22/2017
483	Ruth	Howard	ruth_howard@yahoo.com	Cape Town		SOUTH AFRICA		5/22/2017
484	Leslene	Dunn	leslene@lagroup.co.za	Cape Town	WESTERN CAPE	SOUTH AFRICA		5/22/2017
485	Stacey	Larson	srlarson@comcast.net	Highlands Ranch	CO	US		5/22/2017
486	Sarah	Hugo	shugo1976@aol.com					5/22/2017
487	Dagmar	Leischow	d_leischow@hotmail.com					5/22/2017
488	Livia	Veloso	lifortini@yahoo.com.br	Bh	MG	BRAZIL		5/22/2017
489	Susan	Foster	missqfoster2@yahoo.com	San Diego	CA	US	(858) 335-7774	5/20/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
490	Robert	Silvern	bobs00@cox.net	La Mesa	CA	US		5/20/2017
491	Amanda	Kunkle	kyoto15613@aol.com	El Cajon	CA	US	(724) 472-6987	5/9/2017
492	Kevin	Pendleton	kjp_001@hotmail.com	La Jolla	CA	US	(858) 568-6009	5/5/2017
493	Nick	Visha	nvisha@aol.com					4/27/2017
494	Jenilee	O'grady	jenileeogrady@hotmail.com	Warren	OH	US	(330) 707-7615	4/27/2017
495	Avishek	Aiyar	avishekaiyar@gmail.com	San Diego	CA	US		4/24/2017
496	Melitta	Ribic	sumeli@drei.at	Deutschfeistritz		AUSTRIA		4/20/2017
497	Desiree	Leonard	desinleo@yahoo.com	Chula Vista	CA	US	(951) 541-6032	4/13/2017
498	Karen	Mcgraw	maxiblu2@verizon.net	Lewisville	TX	US	(972) 315-2211	4/11/2017
499	Krishna	Dangol	krishnabdrdangol@hotmail.com	Kathmandu		NEPAL		4/4/2017
500	Susan	Spoo	susanoops@att.net		CA	US		4/2/2017
501	Laura	Meldrum	lauragale@usms.org	San Diego	CA	US	858-245-1641	3/31/2017
502	Steve	Arndt	stevearndt777@gmail.com	La Jolla	CA	US	858-352-6181	3/30/2017
503	Emanuela	Sala	emanuela.sala@fastwebnet.it	Los Angeles	CA	US		3/28/2017
504	Elzbieta	Beck	koszmir@toya.net.pl					3/22/2017
505	Kimberly	Conti	pconti1@msn.com	Fort Collins	CO	US	(970) 308-4466	3/22/2017
506	Martin	Anisman	martin.anisman@gmail.com	La Jolla	CA	US	858752-3604	3/22/2017
507	Silva	Martinelli	silvasquit@yahoo.it					3/22/2017
508	Mary Ann	Sorokie	marysoro@hotmail.com	Chicago	IL	US	(773) 769-6421	3/21/2017
509	Margaret	Hunter	peggyhunter6@aol.com	San Diego	CA	US	858-699-2201	3/21/2017
510	Barbara	Matteis	playnlove4@yahoo.com					3/21/2017
511	Daniela	Rossi	danieladdt@hotmail.com	Pomezia (roma)	ID	ITALY		3/21/2017
512	Sonia	Caballero	soniacab@gmail.com	San Diego	CA	US	(619) 871-0127	3/20/2017
513	Rev Crow	Swimsaway Phd	crow@church-of-earth-healing.org					3/20/2017
514	Marleen	Neus	marleen.neus@telenet.be	Zele	AL	BELGIË		3/20/2017
515	Karen	Vasily	kvas77@yahoo.com	Norristown	PA	US	(610) 631-9729	3/20/2017
516	Tatyana	Fedotova	nora38@mail.ru	Cherepovets		RUSSIA		3/20/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
517	Raul	Arribas	darkexar@yahoo.com	Barcelona	NJ	US		3/20/2017
518	Eleonor	Ballot	eleonor.ballot@hotmail.fr					3/20/2017
519	Sara	Megliani	megliani.sara@t.sika.com	Conisello		ITALY		3/20/2017
520	Mary	Sgarlato	maryannsgarlato@icloud.com					3/19/2017
521	Nan	Buckley	ufoshearus@aol.com	Zionsville	IN	US		3/19/2017
522	Guiomar	Sosa	guiomarsosa@hotmail.com	Merida	YUCATAN	MEXICO		3/19/2017
523	J	Goettler	j44jag@juno.com					3/19/2017
524	N	Goettler	jag.12@juno.com					3/19/2017
525	Nikki	Doyle	nikkidoyle7@gmail.com	Oakland	CA	US		3/19/2017
526	Phyl	Morello	1432phyl@gmail.com					3/19/2017
527	Julaine	Roberson	sky-aangel@hotmail.com	Washington	GA	US	(706) 285-2848	3/19/2017
528	Lysa	Hannigan	lysa@icloud.com					3/19/2017
529	Daniela	Pagliarini	raisanervusa@alice.it	Marino	ROMA	ITALIA		3/19/2017
530	Annie	Du Preez	annedupreez7@gmail.com	Johannesburg	GAUTENG	SOUTH AFRICA		3/19/2017
531	Anabel	Roig Carrera	anabelroig78@hotmail.com	Barcelona		SPAIN	(63) 631-6240	3/19/2017
532	Dee	Carpenter	pawsinsd@yahoo.com	Milwaukee	WI	US		3/19/2017
533	Andrea	Hagenaar	dreetje1955@hotmail.com					3/19/2017
534	Colleen	Lobel	clobel1@san.rr.com	San Diego	CA	US	(858) 566-3033	3/19/2017
535	Laurel	Brewer	magickhours@gmail.com	West Hollywood	CA	US	(805) 558-0491	3/18/2017
536	Carolyn	Ricketts	clynnline@verizon.net	Edgewater	MD	US	(410) 956-0382	3/18/2017
537	Martha W D	Bushnell	marthawdb@comcast.net	Louisville	CO	US	(303) 926-3100	3/18/2017
538	Dr. Ronald G.	Shapiro	drronshapiro1981@sigmaxi.net	Providence	RI	US	401.272.4664	3/18/2017
539	Monica	Hammond	mhammond106@gmail.com					3/18/2017
540	C	Miller	carltonjc@gmail.com	Montclair	VA	US	(703) 774-7990	3/18/2017
541	Claire	Watson	sorchasibeal10@att.net	Pleasant Hill	CA	US	(925) 427-9236	3/18/2017
542	Clara	Salina	clarasalina@gmail.com					3/18/2017
543	Donatella	Venturini	vntdll@gmail.com	Flero	BS	ITALIA		3/18/2017
544	Raquel	Barbosa	raquel.barbosa@me.com	Campinas	SP	BRASIL	(193) 246-2418	3/18/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
545	Dagmar	Hildebrandt	dagmar0604@web.de	Lwwe		GERMANY		3/18/2017
546	Claudia	Pessoa	claudiapessoabh@gmail.com	Belo Horizonte	MINAS GERAIS	BRAZIL		3/18/2017
547	Eve	Saglietto	info@saglietto.de					3/18/2017
548	Karen Koo	Schwartz-frates	kateschwartz2@yahoo.com	Fallbrook	CA	US	(760) 685-0602	3/18/2017
549	Omid	Saboori	osaboori1@gmail.com	San Diego	CA	US		3/18/2017
550	Veerle	Van De Velde	veerle.van.de.velde4@skynet.be			BELGIË		3/18/2017
551	Diane	Ake	dianeake@hotmail.com	San Diego	CA	US	(619) 582-2432	3/18/2017
552	Rosella	De Angelis	rosellaciabattoni@libero.it	Cossignano		ITALY		3/18/2017
553	Steph	Urscheler	stephurscheler226@hotmail.com	Saskatoon	SASKATCHEWAN			3/18/2017
554	Dianne	Pietila	sandiegodianne@gmail.com	San Diego	CA	US	(619) 241-6574	3/18/2017
555	Kim	Garside	kimgarside@gmail.com	Midvale	UT	US		3/18/2017
556	Karen	Baker	kb3162@gmail.com					3/18/2017
557	Jan	Annoot	janannoot@btinternet.com	Whitstable		UK	(122) 727-3741	3/18/2017
558	Julie	Simon	ok9314@hotmail.com	Saint Gratien	ILE-DE-FRANCE	FRANCE	(69) 943-0287	3/18/2017
559	Liora	Fuld	liora.fff@gmail.com	Hetzliya		ISRAEL		3/18/2017
560	Audrey	Mannolini	audreyspuppy@aok.com	Huntington Beach	CA	US		3/18/2017
561	Sabrina	König	sslavicek@gmx.at					3/18/2017
562	Terri	David	terri_david@bellsouth.net	Venice	FL	US	(941) 484-4769	3/18/2017
563	Robin	Ben-shimeon	animals100@hotmail.com	La Mesa	CA	US		3/18/2017
564	Anna	Astarkina	annapuh84@yandex.ru	Noviy Urengoy		РОССИЯ		3/18/2017
565	Carin	Poos	cpoos@xs4all.nl			Nederland		3/18/2017
566	Marie	Grenu	grenu.dominique@neuf.fr	Breel	Normandie	FRANCE		3/17/2017
567	Sonia	Romero Villanueva	pupycom123@yahoo.es	Sant Adrian Del Besos	Barcelona	SPAIN	(3461) 537-0010	3/17/2017
568	Sarah	Friedenberg	friedenbergs@gmail.com	San Diego	CA	US	(858) 259-4599	3/17/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
569	Barbara	Baenziger	bbaenziger@yahoo.com					3/17/2017
570	Eugenia	Mixon	epemix@att.net	Katy	TX	US		3/17/2017
571	Linda	Letnick	quadell@hotmail.com					3/17/2017
572	Michelle	Schneider	lunabear79@gmail.com	Dana Point	CA	US	(949) 290-6788	3/17/2017
573	Lynne	Hynes	andlyn8@iinet.net.au					3/17/2017
574	Sarita	Vij	vij.sarita@yahoo.com	New Delhi	NEW DELHI	INDIA		3/17/2017
575	Mauricio	Carvajal	carvaggro666@hotmail.com					3/17/2017
576	Karen	Benz	sedecrem76@hotmail.com	Melbourne	VICTORIA	AUSTRALIA	(6140) 514-7466	3/17/2017
577	Michelle	Sewald	masewald@yahoo.com	Denver	CO	US		3/17/2017
578	Shari	Oconnor	soconnor007@tampabay.rr.com	Tampa	FL	US	813-855-7078	3/17/2017
579	John	Watson	watson.johnscott@gmail.com	Evanston	IL	US	(847) 227-7211	3/17/2017
580	Sandra	Angelini	wolfarctique@hotmail.com					3/17/2017
581	Kent John	Clark	kclark50@wi.rr.com	Sussex	WI	US		3/17/2017
582	Ellen	Gutfleisch	elleng01@wi.rr.com	Sussex	WI	US		3/17/2017
583	Takako	Ishii-kiefer	takiishii@hotmail.com	Matawan Monmouth County	NJ	US	(201) 835-8094	3/17/2017
584	Patricia	Mcdonald	patmcdonald@cfl.rr.com	Winter Park	FL	US	407-539-3025	3/17/2017
585	Robyn	Mcnally	steveandrobynmac@yahoo.com.au	Nanango	QUEENS LAND	AUSTRALIA		3/17/2017
586	Joan	Reyes	jareyes2@gmail.com	Livonia	MI	US	(248) 893-7073	3/17/2017
587	Andrea	Chisari	chisaria@att.net					3/17/2017
588	Arkady	Vyatchanin	arkadyv84@gmail.com	Gainesville	FL	US		3/17/2017
589	Desiree	Ratzenberger	desilein@yahoo.com	Washington	MI	US		3/17/2017
590	Samantha	Steigerwaldt	greenbutterfly7267@yahoo.com	Seminole	FL	US	(727) 492-5086	3/17/2017
591	Anne-catherine	Roch-levecq	acrochlevecq@gmail.com	Oceanside	CA	US	(858) 353-6232	3/17/2017
592	Judy	Krach	jhawk3989@aol.com	Hazel Crest	IL	US	(708) 799-4567	3/17/2017
593	Carole	Thirriard	81carole@gmail.com	Esch/alzette		Luxemburg		3/17/2017
594	Joanne	Tenney	joannetenney@hotmail.com	Escondido	CA	US	(760) 480-8443	3/17/2017
595	Daniel	Fernandes	dpf_1982@hotmail.com	Aveiro		PORTUGAL		3/17/2017

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596	Mary	Huth	maryjohuth@yahoo.com	Fond Du Lac	WI	US		3/17/2017
597	Ross	Thornton	riofish77@hotmail.com	Crawley	W SUSSEX	UK		3/17/2017
598	Carol	Huntsman	chuntsman@san.rr.com	San Diego	CA	US		3/17/2017
599	Denay	Heddy	kaikanay@yahoo.com	San Diego	CA	US	(619) 201-2581	3/17/2017
600	Yuliya	Rudnik	yuliya_rudnik@mail.ru					3/17/2017
601	Leslie	Baker	leslie.g.baker@hotmail.com	Lenox	MA	US	(413) 637-4848	3/17/2017
602	Yvonne	Lopes	yvonne88.yl@gmail.com	Brooklyn	NY	US	(917) 921-7694	3/17/2017
603	Nicole	Weber	nicole4770@yahoo.com			US		3/17/2017
604	Cindy	Risvold	cindyrisvold@uwlumni.com	Naperville	IL	US	920-266-6710	3/17/2017
605	Julie	Adams	trooper.adams@ymail.com	Cardiff		UK		3/17/2017
606	Ludo	Stassijns	ludo.stassijns@skynet.be	Lebbeke	O	BELGIË		3/17/2017
607	Jerry	Mylius	j.mylius@sbcglobal.net	Austin	TX	US	(512) 442-5889	3/17/2017
608	Nadia	Burguin	nanoub91@neuf.fr	Longjumeau	ILE-DE-FRANCE	FRANCE		3/17/2017
609	Imelda	Lambe	imelda.lambe3@gmail.com	Co.dublin	IRELAND	IRELAND		3/17/2017
610	Barb	Morrison	sxylad7@msn.com					3/17/2017
611	Judy	Moran	timstarjudy@aol.com					3/17/2017
612	James	Furth	jim.furth@yahoo.com	Burlington	NC	US	(336) 290-2065	3/17/2017
613	Ana Teresa	Monteiro	m.anateresa@gmail.com	Póvoa De Varzim		PORTUGAL		3/17/2017
614	Jude	Arnfield	jude.arnfield@me.com	Norwich	NORWICH	UK		3/17/2017
615	Dawn	Kane	dkane@mvhealthsystem.org	St. Johnsville	NY	US		3/17/2017
616	Michele	Draper	md3067@gmail.com	Gold Beach	OR	US	419-290-5963	3/17/2017
617	Cassie	Maslowski	cassiemaslowski@hotmail.com	San Diego	CA	US	(760) 274-5311	3/17/2017
618	Melissa	Gaskins	gaskinshockey@gmail.com	Tallahassee	FL	US		3/17/2017
619	Dianne	Ensign	roughskinnednewt@hotmail.com					3/17/2017
620	Daphne	Figueroa	drdaph@yahoo.com	San Diego	CA	US		3/17/2017
621	Marsha	Ross	nikkel98@hotmail.com	Palm Harbor	FL	US	(812) 371-3690	3/17/2017
622	Linda	Smyth	lsmyth8606@aol.com	Enfield	CT	US	(860) 508-7054	3/17/2017
623	Elisabeth	Richter	richter.elisabeth@aon.at	Baden	WV	AUSTRIA		3/17/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
624	Chris	Drumright	astrohoops@aol.com	Murfreesboro	TN	US		3/17/2017
625	Janean	Kromka	janean.kromka@ashford.edu	Lemon Grove	CA	US		3/17/2017
626	Polly	Kanavel	pollyk9@outlook.com	La Mesa	CA	US	(619) 518-6690	3/17/2017
627	Glen	Venezio	sethspeaksnyc@gmail.com	San Juan	PR	US		3/17/2017
628	Lori	Krummen	lbdaniels@ucsd.edu					3/17/2017
629	Todd	Fisk	toddf99@yahoo.com	San Diego	CA	US	(858) 578-8119	3/17/2017
630	Francine	Traniello	midnightblue_22@webtv.net			US		3/17/2017
631	Carey	Mccoy	careymccoy50@gmail.com					3/15/2017
632	Cassandra	Berger	cassandrapberger@yahoo.com	New York	NY	US	(212) 744-2942	3/14/2017
633	Leonora	Meyerhoff	leopasca123@gmail.com	Greenwich	CT	US	(203) 661-1676	3/12/2017
634	Adrianna	Shembel	acs130@pitt.edu	Somerville	MA	US	(215) 817-4121	3/11/2017
635	Carol	Paton	meadowlark124@yahoo.com					3/10/2017
636	Alexandra	Zarzycka	alexbaba2015@gmail.com	Brooklyn	NY	US		3/7/2017
637	Judy	Sheahan	sandcastledreamer7@gmail.com					3/6/2017
638	Donna	Pendleton	yodsp@aol.com	Superior	CO	US	720 771 6156	3/5/2017
639	Donald	Romeo	donromeo@comcast.com	Coronado	CA	US		3/5/2017
640	Madeline	Brick	maddiebrick@yahoo.com	Wellfleet	MA	US	(508) 349-5100	3/5/2017
641	Rustom	Jamadar	rjamadar@qti.qualcomm.com	San Diego	CA	US	(858) 658-1166	3/3/2017
642	Ruben	Arizmendi	rfalawsierraclub@gmail.com					3/3/2017
643	Kareen	Novak	kareen.novak@gmail.com	San Diego	CA	US		3/3/2017
644	Jennifer	Mcfarland	strainedtrust@gmail.com	Tucson	AZ	US		3/3/2017
645	Silvia	Baldussi	casaadams@fastwebnet.it	Bologna	EMILIA ROMAGNA	ITALY		3/3/2017
646	Nancy	Forssander	nlforsndr@hotmail.com	Lith	IL	US	847-436-4085	2/25/2017
647	Audrey	Suun	satanic.angel@live.fr	Pineda De Mar		SPAIN		2/21/2017
648	Donna	Pay	cozycottage7@comcast.net					2/21/2017
649	Jama	Millar	justminejama@yahoo.com	San Diego	CA	US	(619) 456-7002	2/20/2017
650	Gaila	Myers	gailasuggs@gmail.com				209-968-2508	2/18/2017
651	Kathy	Sullivan	m.middaugh@sbcglobal.net		CA	US		2/15/2017
652	Ping	Lu	lydia.lu2006@hotmail.com	Stamford	CT	US		2/14/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
653	Abbey	Lewis	abbeyklewis@gmail.com	Montrose	PA	US		2/5/2017
654	Mary	Ward	ward638@sbcglobal.net					1/29/2017
655	Clare	Kelemen	clare252@yahoo.com	Carlsbad	CA	US	(760) 434-2407	1/28/2017
656	Helga	Hölzer	hella.hoelzer@gmx.de	Wörth		DEUTSCHLAND		1/28/2017
657	Tristan	Drew	tristandrew@post.com	Kingston Beach	TASMANIA	AUSTRALIA		1/27/2017
658	Lindsey	Caudill	mrscaudill80@gmail.com	Austin	TX	US	(512) 565-4145	1/27/2017
659	Julie	Arresseguet	julie.arresseguet@hotmail.fr			FRANCE		1/27/2017
660	Tammy	Burley	tburley@shaw.ca	Calgary	ALBERTA	CANADA		1/27/2017
661	Mariel	Klosewicz	marulalaa@yahoo.com.ar					1/27/2017
662	Vicky	Goodwin	vicky-goodwin@hotmail.com					1/27/2017
663	Kristin	Forister	klucero@gmail.com	Fontana	CA	US	(909) 728-3775	1/26/2017
664	Darren	Edwards	darrenfromwales@gmail.com	Woodland Hills	CA	US		1/26/2017
665	Rudra	Chattopadhyay	rudra.chattopadhyay@tatamotors.com	Pune	MAHARASHTRA	INDIA		1/26/2017
666	Pat	Bryan	paturodel@yahoo.com					1/26/2017
667	Camilla	Torsander	camillat@gmx.com	Skovde	VG	SWEDEN		1/26/2017
668	Fred	Muskett	fredmuskett@yahoo.co.uk	Norwich		UK		1/26/2017
669	Carol	Easton	easton525@gmail.com	Venice	CA	US	(310) 823-0239	1/26/2017
670	Laura	Sarmiento	lsarmiento@nhra.com	Rancho Cucamonga	CA	US	(909) 948-0652	1/26/2017
671	Dia	Keek	luvsea33@gmail.com					1/26/2017
672	Gloria	Picchetti	picchetti707@sbcglobal.net	Chicago	IL	US	(773) 871-0999	1/26/2017
673	Abigail	Andrade	abigail.andrade@hotmail.com	Sp		BRASIL		1/26/2017
674	Annette	Roozen	annette_roozen@hotmail.com					1/26/2017
675	Jann	Lutterman	to2twain@aol.com	W. Valley	UT	US		1/26/2017
676	Carol	Thompson	mcact8@gmail.com	South Park	PA	US	412-655-2112	1/26/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
677	Silvia	Corna	silviacorna@hotmail.com	Candia Canavese	TO	ITALIA		1/26/2017
678	Brenda	Brown	brendacbrown@sky.com					1/26/2017
679	Cindy	Risvold	cindyrisvold@uwalumni.com					1/26/2017
680	Lacey	Levitt	laceylevitt@gmail.com	San Diego	CA	US		1/26/2017
681	M K	Harwood	mkhjr@aol.com					1/25/2017
682	Cg		cag_92122@yahoo.com	Sd	CA	US	(619) 306-1840	1/24/2017
683	Gudrun	Dennis	gdennis2@cox.net	Gainesville	FL	US		1/24/2017
684	Jennifer	Neivert	jneivert@hotmail.com					1/24/2017
685	Wendi	Sweeny	wendi@oma-online.org	Oceanside	CA	US	(760) 435-3727	1/24/2017
686	Pamela	Kelly	pamkell@gmail.com	Oceanside	CA	US	(607) 760-9653	1/24/2017
687	Shab	Amiri	shabamiri@gmail.com	Phoenix	AZ	US		1/24/2017
688	Carolyn	Bigger	cmbigger@cox.net					1/24/2017
689	Emmagene	Samoy-ely	emmagenesely@gmail.com	St Petersburg	FL	US	(727) 637-9354	1/24/2017
690	Daniela	Rossi	rfcdani12@gmail.com					1/24/2017
691	Satu	Nurminen	avaruus@hotmail.com					1/24/2017
692	Jane	Oldfield	j.oldfield77@btinternet.com	London		UK		1/24/2017
693	Elise	Kelsheimer	lionessafaye@yahoo.com					1/23/2017
694	Diana	Covington	ladyofthelake_9@yahoo.com	Tacoma	WA	US		1/23/2017
695	Rebecca	Ward	ariel9@hotmail.com					1/23/2017
696	Ian	Yzerman	ian.yzerman@gmail.com	La Jolla	CA	US	760-405-3037	1/23/2017
697	Lawrence	Martinez	l.matthew.martinez@gmail.com	Costa Mesa	CA	US	(714) 331-1021	1/23/2017
698	Jacqui	Keegan	jkeegan@san.rr.com	San Diego	CA	US		1/23/2017
699	Kathy	Kiyan	kyanie24@yahoo.com					1/23/2017
700	Cindy J	Ludewig	ludewig302@comcast.net					1/23/2017
701	Christy	Borriello	christy.borriello@gmail.com	Pawleys Island	SC	US		1/23/2017
702	Jackie	Adam	adamja@mts.net					1/23/2017
703	Ronald	Taliano	guesswho@centurytel.net	Avon Lake	OH	US		1/23/2017
704	Elaine	Benjamin	ebalpine@flash.net	Alpine	CA	US		1/23/2017
705	Naomi	Jones	naomia-jones@hotmail.com					1/23/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
706	Tanya	Bask	tb_md@hotmail.com					1/23/2017
707	Debbie	Chaddock	debbchaddsd@gmail.com					1/23/2017
708	Colette	Winslow	cwin791866@aol.com	Westminster	CO	US		1/23/2017
709	James	Mulcare	xsecretsx@cableone.net	Clarkston	WA	US	509-758-3934	1/23/2017
710	Anthony	Montapert	amontapert@roadrunner.com	Ventura	CA	US		1/23/2017
711	Patricia	Pesko	ppesko7@gmail.com	Shell Lake	WI.	US	715-468-2053	1/23/2017
712	Vikki	Attard	vikkiattard@yahoo.co.uk	Sliema		MALTA		1/23/2017
713	John And Mart	Stoltenberg	jpstolten@frontier.com	Elkhart Lake	WI	US	920-876-2184	1/23/2017
714	Jeanne	Held-warmkessel	jheldwarmkessel@yahoo.com					1/23/2017
715	Ute	Van Holt	uvanholt@me.com	Weston	FL	US		1/23/2017
716	Darren	Strain	strainteam@yahoo.com					1/23/2017
717	Cécile	Bissonnier	tethyscat31@yahoo.fr	Toulouse		FRANCE		1/23/2017
718	Jona	Johnson	jonajhnsn@yahoo.com	Lawrenceville	GA	US	(770) 339-9551	1/23/2017
719	Regine	Ruelle	reginersl@gmail.com	Jávea	Alicante	SPAIN		1/23/2017
720	Doug	Krause	dougkrause@mts.net	Fargo	ND	US		1/23/2017
721	Steve	Webster	stevew831@gmail.com	Underhill	VT	US		1/23/2017
722	Kirsten	Larsen	kirtina@yahoo.com	Tucson	AZ	US	520-495-9354	1/23/2017
723	Alexandra	Siek	siekal@gmail.com	Albuquerque	NM	US		1/23/2017
724	Alunni	Ilaria	ilaria87@hotmail.it					1/23/2017
725	Elizabeth	Jache	esheltie@hotmail.com					1/23/2017
726	Michael	Powis	michael_powis@hotmail.com	Merrickville	CA	CANADA		1/23/2017
727	Marion	Bennett	marion_jones1954@yahoo.com.au	Perth	WA	AUSTRALIA		1/23/2017
728	Marcia	Arantes	wmtm4@yahoo.com.br	Brasília/brasil	NA	BRASIL		1/23/2017
729	Babiceanu	Carmen	carmen@vega.ro	Bucharest		ROMANIA		1/23/2017
730	Jill	Kyriakopulos	jillkvvs@yahoo.com	Sedona	AZ	US	(928) 592-8580	1/23/2017
731	Jan	Davies	janduckdavies@hotmail.com			US		1/23/2017
732	Dean	Coles	northstarxman@aol.com	Abingdon	OXON	UK		1/23/2017
733	Chiara	Tironi	hmchiara.tironi@gmail.com					1/23/2017
734	Patrice	Ellman	pbnk@icloud.com	Cardiff	CA	US		1/23/2017

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
735	Lisa	Annecone	bettylea7@hotmail.com	Santa Rosa	CA	US	(707) 338-7444	1/23/2017
736	Eleonora	Buja	eleonorabuja@yahoo.it					1/23/2017
737	Marion	Kraus	krausies@web.de					1/23/2017
738	Sharon	Nolan	s.nolan667@gmail.com	Oneonta	AL	US		1/19/2017
739	Janet	Pierce	lilhorn83@gmail.com	Spring Valley	CA	US	(707) 362-7723	1/19/2017
740	Marilyn	Hunter	marilyn@jdhuntergroup.com	San Diego	CA	US	(978) 505-5824	1/14/2017
741	Kim	Akeman	oceanfoxx@yahoo.com					1/13/2017
742	Mindie	Saenz	mwsaenz@att.net					1/12/2017
743	Chloe	Purnell	sillyola@hotmail.com					1/9/2017
744	Nicole	D'angelo	nicole_dangelo@yahoo.com					1/8/2017
745	Cassidy	Klovanish	cassidyklo@gmail.com	Vista	CA	US	(760) 828-2310	1/7/2017
746	Zohra	Fahim	zohrafahim08@yahoo.com	Escondido	CA	US	(619) 964-0981	1/7/2017
747	Mary	Shanley	mmshanley85@gmail.com					1/6/2017
748	Aneissa	Adame	dancewithlove25@gmail.com					1/6/2017
749	David	Plant	dvdplant@gmail.com	Palmer	AK	US		1/5/2017
750	Dylan	Mcnellis	dylan.a.mcnellis@gmail.com	San Diego	CA	US		1/4/2017
751	Natasha	Lefkowitz	doclefkowitz@yahoo.com					12/30/2016
752	Shannon	Kenska	shannonlambo@gmail.com	Carlsbad	CA	US	(323) 447-5824	12/29/2016
753	Lisa	Nemec	lisa.nemec@cox.net	Dana Point	CA	US	949-276-8141	12/18/2016
754	Kevin	Lourens	envirobolt@gmail.com	San Diego	CA	US	760-492-1781	12/17/2016
755	Lindsay	Mcgonigle	lindsaymcgonigle@aol.com	Los Angeles	CA	US		11/13/2016
756	Mary	Mueller	hsiao.my@gmail.com					11/7/2016
757	Andrea	Dransfield	andreadransfield@hotmail.com	Port Hueneme	CA	US	(415) 400-6924	9/16/2016
758	Ilana	Schukin	ilanaschukin@gmail.com	La Jolla	CA	US	(858) 888-3460	9/8/2016
759	Pamela	Norton	mygemsrj@gmail.com	Columbia	SC	US	(803) 363-4965	7/31/2016
760	Ivy	Vale	ivyvale@aol.com	New York	NY	US		7/24/2016
761	Michelle	Zaldumbide	michellezald@hotmail.com					7/22/2016
762	Jeanine	Lee	jayjayel@gmail.com	Santa Clara	CA	US		7/21/2016
763	Lia	Dunstan	heartsentwined@gmail.com	Albuquerque	NM	US	(505) 331-7421	7/16/2016
764	Rebecca	Zittle	rhzittle@yahoo.com					7/15/2016

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
765	Victoria	Dunch	victoriadunch@yahoo.com	El Cajon	CA	US		6/30/2016
766	Carolyn	Logan	hobbes1545@gmail.com	San Diego	CA	US	(717) 418-5304	6/24/2016
767	Helen	Kim	hyk001@gmail.com					6/24/2016
768	Johanna	Gomez	preciosa1435@yahoo.com					6/22/2016
769	Renzo	Anchirayco	renzo.anchirayco@readypac.com					6/21/2016
770	Yung	Truong	yungtotruong@yahoo.com	Vista	CA	US	(760) 598-7876	6/14/2016
771	Kelly	Brannigan	kbrannigan@cdfa.ca.gov	Oceanside	CA	US	559-260-9055	6/14/2016
772	Fay	Tahmassbi	faytahmassbi@sbcglobal.net	Carlsbad	CA	US	(760) 632-1371	6/14/2016
773	June	Holder	jeholder40@yahoo.com					6/14/2016
774	C	Hawk	rock.h@cox.net	Sd	CA	US		6/14/2016
775	Andreee	Sexton	bdechance@aol.com	San Diego	CA	US	(209) 482-0365	6/13/2016
776	Sharlene	Bergart	sbergart@aol.com	Carlsbad	CA	US	760-931-1941	6/13/2016
777	Karin	Hoad	karinhoad@gmail.com	Coronado	CA	US	(619) 575-1238	6/13/2016
778	Richard	Bold	boldgilman@aol.com	Vista	CA			6/13/2016
779	Katy	Brown	katybrown@cox.net					6/13/2016
780	Lissa	Lazaro	lissal@sbcglobal.net	San Diego	CA	US	(858) 414-7308	6/13/2016
781	Marie	Ericksson	mericksson@gmail.com	San Diego	CA	US	(858) 472-5505	6/13/2016
782	Alice	Savage	savagealice1@gmail.com	San Diego	CA	US	(858) 472-8890	6/13/2016
783	Lani	Stacks	ljstacks11@aol.com	Lemon Grove	CA	US	619-469-1486	6/13/2016
784	Keiko	Barrett	moikadiekat@gmail.com	National City	CA	US	619-267-4098	6/13/2016
785	Paul	Kelly	bluestoneus.com@gmail.com	Oceanside	CA	US	(607) 760-9572	6/13/2016
786	Abbey	Grobe	abbeyrd117@gmail.com	Henrico	VA	US	(617) 930-2500	6/11/2016
787	Simone	Anderson	buffyspikebuffball@yahoo.co.uk	Leighton Buzzard	BEDFORDSHIRE	UK		6/11/2016
788	Daniell	Hepting	daniell.hepting@gmail.com	San Diego	CA	US	619-913-1546	6/10/2016
789	Justin	Baird	justinb321@gmail.com	San Diego	CA	US		6/10/2016
790	Cassie	Hines	cassiehines14@gmail.com	San Diego	CA	US		6/10/2016
791	Natalie	Paraiso	natalieparaiso@yahoo.com	El Cajon	CA	US		6/8/2016
792	Michelle	Berns	michelleberns1@gmail.com	San Diego	CA	US	(858) 254-2083	6/6/2016
793	Kelly	Shea	kshea3@msn.com	Long Beach	CA	US	(562) 234-3990	6/6/2016

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794	Carla	Almeida	mpasigns@uol.com.br					6/5/2016
795	Victor	Freitas	victor.freitas@gamaro.com.br	San Diego				6/5/2016
796	Mariana	Almeida	mariipalmeida@hotmail.com	Sem Diego	CA	US	(858) 382-6411	6/5/2016
797	Claire	Stuart	thejobcoach@rogers.com	Toronto	ONTARIO	CANADA	416 628 5898	5/27/2016
798	Bridget	Blanco	b5blanco@yahoo.com	Vista	CA	US	(760) 917-7664	5/18/2016
799	Monique	Starkey	delatte@gmail.com	Long Beach	CA	US	(626) 437-5587	5/15/2016
800	Judith	Cohen	jctcohen@yahoo.com					5/15/2016
801	Tixier	Catherine	cathtixier@yahoo.fr	Boulogne		FRANCE		5/15/2016
802	Jill	Marsal	jill@marsallyonliteraryagency.com	San Diego	CA	US	(858) 755-8448	5/14/2016
803	Ellie	Merrett	black-blossom@hotmail.co.uk	Margate		UK	(184) 329-9670	5/10/2016
804	Barbara	Ward	ladybabz@q.com	Phoenix	AZ	US		5/9/2016
805	Matt	Trbovich	turbo@matttrbovich.com	Los Angeles	CA	US	(424) 343-3530	5/9/2016
806	Patti	Packer	pattiac@nycap.rr.com	Scotia	NY	US	518-399-4843	5/9/2016
807	Jennifer	Sellers	buckingham72@hotmail.com					5/9/2016
808	Lynne	Pratt	jpratt1@san.rr.com	San Diego	CA	US	(858) 270-5480	5/9/2016
809	Laila	Sarah	laila.sarah@live.com					5/9/2016
810	Sherrie	Munday	jademermaid17@netzero.net1	Longmont	CO	US	303-485-0728	5/9/2016
811	Andrew	Jones	andrewajones@hotmail.com					5/9/2016
812	Mark	Biewers	markandpattie@cox.net	Newport Coast	CA	US		5/6/2016
813	Maddalena	London	london254@gmail.com	Huntington	NY	US	631-827-7890	5/5/2016
814	Lupita	Sandoval	lupitas.2010@gmail.com					5/4/2016
815	Alexandria	Bass	alliebass123@gmail.com	San Diego	CA	US	(619) 565-5533	5/2/2016
816	Marriana	Moramarco	mmoramarco88@gmail.com					4/30/2016
817	Irma	Villarreal	villarrealirmamichelle@gmail.com	San Diego	CA	US	(858) 717-0318	4/30/2016
818	Deborah	Saracini	debsaracini@yahoo.com	Del Mar	CA	US	(858) 342-2136	4/26/2016
819	Starley	Dullien	beadullien@gmail.com	Ramona	CA	US	760-440-0179	4/15/2016
820	Ted	Eckerman	ted.eckerman@gmail.com	Chino Hills	CA	US	(213) 605-3682	4/14/2016
821	Trisha	Sammons	tsammons@empress-hotel.com	La Jolla	CA	US	858-999-0857	4/11/2016
822	Michael	Medina-brodsky	mmbdkl@gmail.com	Longmont	CO	US		4/10/2016

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
823	Chris	Riedy	chris.riedy@yahoo.com	San Diego	CA	US		4/9/2016
824	Carrie	Trujillo	tru.carrie@live.com	Kihei	HI	US	808-369-5238	4/8/2016
825	Bruce	Dunn	bruz-d@hotmail.com	Walnutcreek	CA	US	(805) 455-2699	4/7/2016
826	Ocean	Ramsey	oceanramsey@yahoo.com	Haleiwa	HI	US	(808) 722-0969	4/7/2016
827	Susannah	Gelbart	gelbartsusannah@yahoo.com	Las Vegas	NV	US	(702) 645-2698	4/4/2016
828	Deborah	Reeves	debhead06@yahoo.com	Salt Lake City	UT	US	(801) 809-0935	4/4/2016
829	Laura	Ferejohn	lauraferejohn@yahoo.com	Laguna Hills	CA	US	949-916-5199	4/4/2016
830	Jill	Pesqueira	freebieprincessnet@yahoo.com	San Diego	CA	US		4/4/2016
831	Ana	Ierlick	aierlick@yahoo.com					3/26/2016
832	Ana	Ierlick	anaierlick456@gmail.com					3/26/2016
833	Teresa	Sprague	tessprague@gmail.com	Folsom	CA	US		3/23/2016
834	Pamela	Ransom	blairbrgirl@aol.com	San Diego	CA	US	(360) 632-5223	3/21/2016
835	Lizbeth	Guzman	lizbethguzman_99@hotmail.com	San Diego	CA	US	(858) 547-3541	3/20/2016
836	Gerrie	Karczynski	gskarski@sbcglobal.net	Beaumont	CA	US	(951) 845-8246	3/19/2016
837	Marie	Kruczek	mariekruczek@att.net					3/19/2016
838	Pam	Parsons	dulceonfire@gmail.com	Idyllwild	CA	US		3/18/2016
839	Laura	Okell	laura.okell@gmail.com	La Jolla	CA	US	612 562 0110	3/18/2016
840	Haley	Gonzales	haleygonzales784@gmail.com	San Diego	CA	US	916-533-1365	3/17/2016
841	Martin	Lück	martin-lueck@gmx.net	Düsseldorf	YUKON	GERMANY		3/17/2016
842	Elsina	Schepers	elsinab@bezeqint.net	Yagur		ISRAEL		3/17/2016
843	Margaret	Craig	margaretcraig333@hotmail.com	Fraserburgh		UK		3/17/2016
844	Catherine	Latona	reeves7777777@yahoo.com	Clovis	CA	US	(559) 681-4604	3/16/2016
845	Linda	Macdonald	lindamacdonald60@talktalk.net	Fraserburgh	ABERDEENSHIRE	SCOTLAND		3/16/2016
846	Sarah	Leclaire	sleclaire1@mac.com	Presque Isle	ME	US	(207) 762-2244	3/16/2016
847	Sarah	Scorgie	scosarah@yahoo.com					3/15/2016
848	Benjamin	Griego	benrgriego1969@gmail.com	San Diego	CA	US	(619) 362-5199	3/15/2016
849	Patricia	Houser	houserpat@yahoo.com	Lakeside	CA	US		3/14/2016
850	Ilona	Kirilova	ikirilova@sandi.net	San Diego	CA	US	(619) 220-8000	3/13/2016
851	Marachel	Leib	mgl0995@yahoo.com	San Diego	CA	US	(619) 708-5542	3/13/2016

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
852	Heather	Strong	heather@julietlasvegas.com	Las Vegas	NV	US		3/10/2016
853	Arielle	Levine	theariellelevine@gmail.com	San Diego	CA	US	(510) 717-7095	3/9/2016
854	Jacqueline	Sanchez Taylor	jst4@le.ac.uk	Leicester	LEICESTERSHIRE	UK	00 44 079798105	3/8/2016
855	Katherine	Garcia	kgyasee@hotmail.com	Denver	CO	US	(303) 257-7266	3/7/2016
856	Amy	Stournaras	acarids8@gmail.com					3/7/2016
857	Marcus	Gallardo	marcusgallardo@gmail.com	Denver	CO	US	720-985-0707	3/7/2016
858	Catherine	Stiefel	stiefel_catherine@earthlink.net	San Diego	CA	US		3/7/2016
859	Sandra	Kallmeyer	screenorigami@gmail.com					3/7/2016
860	Sarah	Wright	sarshebert@yahoo.com	Solana Beach	CA	US	(613) 863-6119	3/5/2016
861	Kathleen	Kemper	kathleenek@comcast.net	La Jolla	CA	US		3/5/2016
862	Emily	Shull	atomicgirl78@gmail.com					3/4/2016
863	Bridgett	Heinly	kbmdogs@att.net	San Diego	CA	US		3/3/2016
864	Edgar	Avila	edgar41889@yahoo.com					3/3/2016
865	James	Duff	jaduff3@hotmail.com	Sonora	CA	US		3/2/2016
866	Jacquelyn	Mcallister	mcallister95@aol.com					3/1/2016
867	Margaret	Mcginnis	margaretmcginnis@verizon.net					3/1/2016
868	Lizeth	Giles	lizgiles1019@gmail.com	Escondido	CA	US	(760) 978-8797	2/29/2016
869	Patricia	Duff	td0617@hotmail.com	Glen Gardner	NJ	US	(732) 829-1003	2/29/2016
870	Patricia	Cady	americanjazz@aol.com	Chandler	AZ	US	(480) 225-1356	2/29/2016
871	Martha	Brock	mobrock@earthlink.net	Clarkston	GA	US	(404) 731-5841	2/29/2016
872	Mercedes	Benet	benetmercedes@gmail.com	Carlsbad	CA	US	(760) 943-9760	2/27/2016
873	Linda	Deschaine	baronessld@bellsouth.net	Richmond	TX	US	(770) 235-4860	2/27/2016
874	Sylvie	Auger	sylvie.auger@uqtr.ca	Trois-rivieres		CANADA	(819) 376-7448	2/26/2016
875	Evelyn	Ball	evelynb40@yahoo.ca	Lockport	MANITOBA	CANADA		2/26/2016
876	Cindy	Trubovitz	cdtrubo@yahoo.com	San Diego	CA	US	(858) 576-9860	2/26/2016
877	Sara	Ghilardi	sara@sgaitalia.it					2/26/2016
878	Susan	Harrison	harrisonjs@verizon.net	Vienna	VA	US	703.938.5801	2/6/2016
879	Kiren	Jahangeer	kiren.jahangeer@americanbar.org					2/2/2016

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
880	Jacque	Schiavo	jacschiavo@gmail.com					2/1/2016
881	Xingchen	Chen	xic144@ucsd.edu					1/30/2016
882	Cecilia	Mialon	cecilialabar@gmail.com	Temecula	CA	US	(770) 378-4919	1/28/2016
883	Kenneth	Ekhart	ekhartke@yahoo.com	Silverdale	WA	US	(912) 674-7467	1/27/2016
884	Crystal	Ekhart	cmekee2@yahoo.com	Silverdale	WA	US	(912) 674-7467	1/27/2016
885	Krisztina	Kemenes	george7806@yahoo.com	La Mesa	CA	US	(619) 244-0454	1/26/2016
886	Michelle	Berns	michelleberns1@hotmail.com	San Diego	CA	US	(858) 254-2083	1/25/2016
887	Kim	Moore	weareriverpeople@yahoo.com					1/20/2016
888	Elizabeth	Anderson	ecardoza99@gmail.com					1/13/2016
889	Maureen	Noble	maureen.n@att.net	Laguna Niguel	CA	US		1/12/2016
890	Michael	Noble	michaelnoble10@gmail.com	Spring Valley	CA	US	(949) 280-6502	1/10/2016
891	Jeff	Wright	jlwr3@hotmail.com	Davenport	IO	US	(563) 324-0024	12/31/2015
892	Diana	Urbon	flwcrab@aol.com	Round Lake Beach	IL	US	(847) 609-9424	12/27/2015
893	Mariam	Hamidian	mhamidian@hotmail.com	Richmond Hill	ONTARIO	CANADA	(905) 709-7944	12/21/2015
894	Renee	Crump	angel2rowdy@earthlink.net	Fallbrook	CA	US	(719) 465-7343	12/19/2015
895	Alexis	Mcmahon	alexismcmahon80@gmail.com	Phoenix	AZ	US	(623) 206-3067	12/4/2015
896	Lynn	Laumann	llaumann@yahoo.com	La Jolla	CA	US	(858) 204-1782	12/1/2015
897	Nichole	Jaymes	bubblesnwater@gmail.com					11/22/2015
898	Véronique	Aubois	dougvero@yahoo.com	San Diego	CA	US	201-925-9264	11/15/2015
899	Melinda	Haldeman	haldejames@aol.com	San Diego	CA	US		11/12/2015
900	Cristina	Grosse	sdcristinag@yahoo.com	Carlsbad	CA	US	(760) 822-0054	11/11/2015
901	Katherine	Paolacci	kpaolacci12@gmail.com					10/26/2015
902	Jeanne	Thoennes	eskiepup@sbcglobal.net					10/25/2015
903	Thomas	Glick	glickt@bgsu.edu					10/25/2015
904	Alivia	Danhoff	danhoffa@wittenberg.edu	Clyde	OH	US	(419) 603-2793	10/25/2015
905	Zachariah	Spitzer	zachariahhugh@yahoo.com	La Jolla	CA	US		10/24/2015
906	Tracy	Gutierrez	gtracy004@gmail.com					10/21/2015
907	Isabela	Rodriguez	isabelarodriguez417@gmail.com	San Diego	CA	US		10/21/2015
908	Nancy	Bonnafoux	nbonnafoux@gmail.com					10/21/2015

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
909	David	Mason	demason@go.net.mt	Zejtun		MALTA	(3567) 982-0790	10/20/2015
910	Michelle	Collar	revlon72@aol.com					10/19/2015
911	Pam	Dillon	nicnben@att.net					10/19/2015
912	Sara	Ohara	saraohara@gmail.com	Encinitas	CA	US		10/19/2015
913	Tom	Eddy	tgeddy@gmail.com					10/19/2015
914	Allison	Souza	keentchr@gmail.com					10/19/2015
915	Chris	Blackmore	usmc88fan@gmail.com					10/19/2015
916	Katherine	Ozanich	kozanich1@icloud.com	La Jolla	CA	US	(858) 459-4575	10/19/2015
917	Steve	Foster	wahoo_ss565@yahoo.com	San Diego	CA	US		10/19/2015
918	Elizabeth	Boyer	elizabethmaryboyer@gmail.com	La Jolla	CA	US	(858) 456-2376	10/19/2015
919	Deborah	Mckay	dmckay310@cox.net	Santee	CA	US		10/19/2015
920	Jennifer	Peirson	mypugsnme@gmail.com					10/19/2015
921	Bethany	Ogdon	bjo.boycottbp@gmail.com	Del Mar	CA	US	413-219-1341	10/19/2015
922	Nancy	Lee	nancyleemn@gmail.com					9/26/2015
923	Jill	Burnett	jamminjill94@yahoo.com					9/17/2015
924	Diane	Kastel	classylady1@comcast.net	Wheaton	IL	US	630-456-4927	9/8/2015
925	Autumn	Sisneros	asisneros1@pvlearners.net	Phoenix	AZ	US	(480) 630-9545	8/24/2015
926	Gwenn	Olive	gwenneth01@cox.net	La Mesa	CA	US	(301) 717-6069	7/10/2015
927	Krsitine	Gendreaux	mashangelsfan83@yahoo.com	Aliso Viejo	CA	US	(562) 686-6672	7/2/2015
928	Andrea	Hernandez	adrehernandez@gmail.com	San Diego	CA	US		6/26/2015
929	Kiren	Jahangeer	kiren610@gmail.com					6/8/2015
930	U. Family		polishprincesspolishprincess@yahoo.com					5/15/2015
931	Gabrielle	Mark-bachoua	gcmarkbachoua@ucdavis.edu	Chula Vista	CA	US	(619) 616-8312	5/10/2015
932	Yoseph	Wolde-mariam	y.a.woldemariam@gmail.com	Rowland Heights	CA	US	(626) 641-2910	5/3/2015
933	Thomas	Verrow	weoldpoets@gmail.com	Vista	CA	US	(760) 936-2015	5/3/2015
934	Secily	Viviana	im.a.real.crazy.chick@gmail.com					3/29/2015
935	Cynthia	Hernandez	cynthiahernandez@me.com					3/29/2015
936	Sarah	Hughey	shughey20@gmail.com					3/29/2015

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	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
937	Secily	Martinez	secilym@yahoo.com	South Pasadena	CA	US		3/29/2015
938	Victoria	Ransom	victoria.ransom@aol.com	Encinitas	CA	US	760-688-6757	3/23/2015
939	John	Cribbs	jcribz@gmail.com	La Jolla	CA	US		3/15/2015
940	Melissa	Danekas	melissadanekas@gmail.com	La Jolla	CA	US		3/15/2015
941	Brianna	Valenzuela	brivalenzuela@gmail.com	La Jolla	CA	US		3/15/2015
942	Cindy	Reynaud	cindyreynaud@gmail.com					2/14/2015
943	Jennifer	Mcgeachy	jennivalen@gmail.com					2/11/2015
944	Lauren	Nagel	lauren.amanda.nagel@gmail.com					1/30/2015
945	Steven	Barry	steven_10@gmx.de					1/25/2015
946	Allison	Estes-nye	allison.n.estes@gmail.com	Vista	CA	US	(407) 923-0832	1/22/2015
947	Kathy	Smith	wtrluv2@yahoo.com					1/14/2015
948	Rebecca	Dunne	becdunne@hotmail.com					1/13/2015
949	Donna	White	maestro418@yahoo.com	Clifton Park	NY	US	(518) 469-6978	1/12/2015
950	Nancy	Black	themotheriam@yahoo.com	Saint Charles	MO	US	(636) 723-7796	1/12/2015
951	Mikki	Aronoff	abqmikki@gmail.com					1/12/2015
952	Frederike	Scherr	frederike_scherr@web.de					1/11/2015
953	Michael	Gold	michael@computersolutionsmg.com	San Diego	CA	US		1/6/2015
954	Dan	Saracini	dsaracini@trebnet.com	Mississauga	ONTARIO	CANADA	(905) 828-3434	1/6/2015
955	Rosanna	Ferrari	ferrari.rosanna@tiscali.it	Baveno	ITALY	ITALY		1/5/2015
956	Anne	Graham	annegraha@msn.com	Liverpool		UK		1/4/2015
957	Thomas	Bonneville	quakerminotaur@gmail.com	London		UK		1/4/2015
958	Vik	Nealis	viktorianealis@yahoo.co.uk					1/4/2015
959	Elizabeth	Emmons	ebemmons@aol.com	New York	NY	US		1/3/2015
960	Carla	De Mos	carlademos@hotmail.com	San Diego	CA	US	(858) 638-2702	1/3/2015
961	Rikar	Arvidsson	rikardarvidsson@tele2.se	Falkenberg	HALLAND	SWEDEN	(76) 869-2668	1/3/2015
962	Tanya	Livingston	tmlivingston@yahoo.com	Houston	TX	US	(713) 862-5333	12/31/2014
963	Justin	Raynor	jtraynor87@gmail.com	Aurora	CO	US	(830) 385-2768	12/30/2014
964	Lori	Mendez	lori@mendezplc.com	San Diego	CA	US		12/21/2014
965	Janice	Stanger	janicekstanger@yahoo.com	Larkspur	CA	US		12/17/2014

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966	Harry	Weidenholz	dirtyharry2000@htcplus.net	Port St Lucie	FL	US		12/17/2014
967	Denise	Diaz	dnurse20@aol.com	Sunrise	FL	US	(786) 419-2585	12/17/2014
968	Ilene	Radszuweit	ilene-711@hotmail.com	San Diego	CA	US	(954) 707-0098	12/17/2014
969	Sue	Bedrick	poohbear10954@yahoo.com	Nanuet	NY	US		12/17/2014
970	Marina	Kistrul`	marin1108@ya.ru	Saint-petersburg		RUSSIA	(905) 207-5935	12/17/2014
971	Polly	Kanavel	18toes@mail.com					12/16/2014
972	Joyce	Mcdonald	mousehumor@aol.com	San Diego	CA	US	858-210-8021	12/13/2014
973	Fernando	Pineda	fernando_pineda@yahoo.com	San Diego	CA	US		12/12/2014
974	Nancy	Lowell	lilyofthefield@tampabay.rr.com	Tampa	FL	US		12/8/2014
975	Eric	Thompson	etexists13@gmail.com	Somerton	AZ	US	(928) 210-6959	11/24/2014
976	Shayna	Bailey	lydiasd84@hotmail.com	Atascadero	CA	US		11/24/2014
977	Alison	French-lindop	lajollaally1962@sky.com	Birkenhead		UK	44 15 12 00 85 48	11/17/2014
978	David	Genese	davidg22@virginmedia.com	Poole	DORSET	UK	44 77 14 76 08 31	11/16/2014
979	Morag	Ferguson	moragferguson@hotmail.com	Edinburgh		SCOTLAND		11/15/2014
980	Terri	Mitchell	tmitchell24@yahoo.com	La Mesa	CA	US		11/14/2014
981	Ann	Johnson	ann.john377@btinternet.com	Eastbourne	EAST SUSSEX	UK		11/14/2014
982	Thomas	Bonneville	ukbonn@gmail.com	London		UK		11/13/2014
983	Ann	Scott	sterlingscott@roadrunner.com	Carlsbad	CA	US	760 521-8069	11/13/2014
984	John	Frawley	johncfrawley@mac.com	Studio City	CA	US	(818) 599-4506	11/13/2014
985	Brenda	Hixenbaugh	ab0987654321answer@hotmail.com	Great Falls	MT	US	406-403-3169	11/13/2014
986	Joanne	Hill	streakybacon23@hotmail.com	London		UK		11/13/2014
987	Susan	Bower	susanbower@googlemail.com	Sidcup	KENT	UK		11/13/2014
988	Sharon	Hopkins	montalice@btinternet.com	Oxford		UK		11/13/2014
989	Dave	Perry	daveperry11@hotmail.com					11/13/2014
990	Nitin	Mehta	animalahimsa@gmail.com	London		UK		11/13/2014
991	Heidi	Stephenson	speedwell9@yahoo.com	Totnes		UK		11/13/2014
992	James	Hogan	jameshogan398@gmail.com	London		UK	44 20 89 69 71 03	11/13/2014

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993	Joan	How	maghow@phonecoop.coop	Luton	BEDFORDSHIRE	UK		11/13/2014
994	Marian	Hussenbux	mhussenbux@btinternet.com					11/13/2014
995	Melissa	Vlachos	melissaavlachos@hotmail.com	Altona North	VICTORIA	AUSTRALIA		11/12/2014
996	Anita	Wilson	drlynnwilson@cox.net	San Diego	CA	US	619-339-1384	11/11/2014
997	Micky	Ryf	micmach33@outlook.com					11/10/2014
998	Gary	Louis	mail@garylouis.com	San Diego	CA	US		11/10/2014
999	Kristina	Hancock	khancock@mckennalong.com	San Diego	CA	US		11/10/2014
1000	Barbara	Gawlik	barbara.gawlik@-online.de					11/10/2014
1001	Lenka	Horsinkova	lenka.horsinkova@gmail.com	Ostrava	CZECH REPUBLIC	ČESKÁ REPUBLIKA		11/10/2014
1002	Negar	Davis	davisnegar@hotmail.com	San Diego	CA	US		11/10/2014
1003	Janet	De Vries	janetdevries73@hotmail.com					11/10/2014
1004	Zuzana	Aujeska	z.aujeska@seznam.cz			CZECH REPUBLIC		11/9/2014
1005	Edward	Kane	edwardkane64@gmail.com	San Diego	CA	US	(619) 276-4862	11/9/2014
1006	Jim & Loree	Wellborn	jwell2000@aol.com	Oceanside	CA	US		11/9/2014
1007	Racq	Browne	r4eta.1@gmail.com	Townsville		AUSTRALIA		11/9/2014
1008	Geraldo Majela	Elias De Abreu Pereira	majela.elias@hotmail.com	Vitória/es - Brasil		BRASIL		11/9/2014
1009	Rachele	Ray	racheleray777@gmail.com	Sacramento	CA	US	(916) 706-6883	11/9/2014
1010	Anne	Stengle	stenglea@denison.edu					10/28/2014
1011	Lluvia	Santana	hahaalicia@hotmail.com	Spring Valley	CA	US	(619) 481-7239	10/27/2014
1012	Pauline	Wright	paulinewright@sbcglobal.net	San Diego	CA	US		10/18/2014
1013	Jennifer	Wesson	jennwesson@earthlink.net	Fresno	CA	US	(559) 307-9945	10/5/2014
1014	Ellis	Myers	ellis.myers@earthlink.net	Moraga	CA	US		9/28/2014
1015	Jean	Miksic	miksic2008@yahoo.com					9/25/2014
1016	Kieve	Kavanaugh	kievek@yahoo.com	Scottsdale	AZ	US		9/9/2014
1017	Mike	Gold	mgold@cox.net	San Diego	CA	US		9/8/2014
1018	Viena	Bone	chopis531@hotmail.com	Chula Vista	CA	US		9/8/2014

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"I support the City of San Diego's Viewing Guideline Rope, which creates a buffer between humans and the harbor seals that haul out on the sand at Casa Beach, as approved by the San Diego City Council on May 17, 2010, and the California Coastal Commission on June 10, 2015."

	FIRST NAME	LAST NAME	EMAIL ADDRESS	CITY	STATE	COUNTRY	PHONE	DATE SIGNED
1019	Jane	Reldan	jreldan@san.rr.com	La Jolla	CA	US	(858) 459-6600	9/8/2014

SCANNED

Petition to the CCC to Save the Year-Round Rope at Casa Beach

I support the City of San Diego's application to keep the guideline rope up at Casa Beach from May 15 to December 15 annually. (CCC File #6-15-0223)

	DATE	YOUR NAME (PLEASE PRINT)	EMAIL ADDRESS
1	6/16/2015	John Zavaro	jzavaro@gmail.com
	STREET ADDRESS / PO BOX	CITY, STATE / PROVINCE, ZIP, COUNTRY	PHONE NUMBER
	1818 Oldfield Ct.	El Cajon, CA, 92019	(619) 851-3223
2	6/16/2015	JOAN PEET	JOAN PEET 1146 @ G MAIL . COM.
	2010 N. SAN MARCOS BLVD #1146	SAN MARCOS CALIF 92078	1-760 599-3808
3	6/16/2015	FRED SPRINGALL	—
	2010 W SAN MARCOS BLVD #1146	SAN MARCOS CALIFORNIA 92078	760 599 3808
4	July 2, 2015	Pamela Grant	—
	4121 Bayard St. S.D Ca.		—
5			
6			
7			
8			

SCANNED

Petition to the CCC to Save the Year-Round Rope at Casa Beach

I support the City of San Diego's application to keep the guideline rope up at Casa Beach from May 15 to December 15 annually. (CCC File #6-15-0223)

	DATE	YOUR NAME (PLEASE PRINT)	EMAIL ADDRESS
1	7/18/15	Brendan Hall	brendanskids@gmail.com
	STREET ADDRESS / PO BOX	CITY, STATE / PROVINCE, ZIP, COUNTRY	PHONE NUMBER
	4025 Massachusetts Ave	La Mesa, CA. 91941	619.481.2565
2	7/18/15	Denise Castaneda	ibsurfgirl@hotmail.com
	1111 Seacoast Dr #1	Imperial Beach, CA 91932	619-857-6366
3	7/18/15	JOSE CASTANEDA	SURFERJOSS@HOTMAIL
	1111 SEACOAST DR.	I.B. CA. 91932	(619) 395-6734
4	7/18/15	Debra M. Davino	debdavino@yahoo.com
	409 Palm Ave # C-17	Imperial Beach, CA 91932	(619) 993-5474
5	2/18/15	Jim Mickelson	JimMickelson@ymail.com
	P.O. Box 1134	IB CA 91933	619 739-0739
6	7/18	JACQUELYN ALVAREZ	JACKSALVAREZ25@GMAIL.COM
		CHULA VISTA CA 91911	
7	7/18/15	Rebecka Garcia	revegv@gmail.com
	728 5th St.	I.B. 91932	619-251-0328
8	7/16/15	Jesika Vigil-Vado	JesikaVado26@gmail.com
	728 5th St	I.B. 91932	619 565-9542

SCANNED

Petition to the CCC to Save the Year-Round Rope at Casa Beach

I support the City of San Diego's application to keep the guideline rope up at Casa Beach from May 15 to December 15 annually. (CCC File #6-15-0223)

	DATE	YOUR NAME (PLEASE PRINT)	EMAIL ADDRESS	STREET ADDRESS / PO BOX	CITY, STATE / PROVINCE, ZIP, COUNTRY	PHONE NUMBER
1	7/18/15	Jessica Meyer	jessann22@MSN.com	2624 DAKOTA ST NE	ABQ NM 87110	(505) 903-2869
2	7/18/15	Megham Cramer	meghamecramer@yahoo.com	P.O. Box 20104	El Cajon, CA 92021	(619) 701-3064
3	7.18.15	Diana Musick	diana_musick@yahoo.com	1022 Georgia St.	I.B. CA 91932	(619) 575-8554
4	7.18.15	Christian Nguyen	—	1022 Georgia St.	IB. CA 91932	(619) 575 7554
5	7/18	Leah Frank	leahf911@hotmail.com	220 Daisy	IB CA	91932.
6						
7						
8						

SCANNED

Petition to the CCC to Save the Year-Round Rope at Casa Beach

I support the City of San Diego's application to keep the guideline rope up at Casa Beach from May 15 to December 15 annually. (CCC File #6-15-0223)

	DATE	YOUR NAME (PLEASE PRINT)	EMAIL ADDRESS
1	7-18	KELLY McCOY	KSMcCOY59@YAHOO.COM
	STREET ADDRESS / PO BOX	CITY, STATE / PROVINCE, ZIP, COUNTRY	PHONE NUMBER
	578 12th St.	IB / CA 91932	619 575-9530
2	7/18	manysol nunez	manysol nunez1@gmail.com
	STREET ADDRESS / PO BOX	CITY, STATE / PROVINCE, ZIP, COUNTRY	PHONE NUMBER
	2013 Buchanan ct.	San Diego / CA / 92154	619.690.6463
3	7/18	Alex Brown	EMAIL ADDRESS
	STREET ADDRESS / PO BOX	CITY, STATE / PROVINCE, ZIP, COUNTRY	PHONE NUMBER
	7/18		
4	DATE	YOUR NAME (PLEASE PRINT)	EMAIL ADDRESS
	7/18	Elsa Garcia	jasperanthrogreen@yahoo.c
	STREET ADDRESS / PO BOX	CITY, STATE / PROVINCE, ZIP, COUNTRY	PHONE NUMBER
5	DATE	YOUR NAME (PLEASE PRINT)	EMAIL ADDRESS
	7/18	Alice Hossfeld	alicevolcom@hotmail.com
	STREET ADDRESS / PO BOX	CITY, STATE / PROVINCE, ZIP, COUNTRY	PHONE NUMBER
	201 Ebony Ave. Apt F	Imperial Beach CA 91932	619-947-5184
6	DATE	YOUR NAME (PLEASE PRINT)	EMAIL ADDRESS
	7/18	Jeff McGuire	jmeguiredfh@hotmail.com
	STREET ADDRESS / PO BOX	CITY, STATE / PROVINCE, ZIP, COUNTRY	PHONE NUMBER
	201 Ebony Ave. Apt. F	Imperial Beach, CA 91932	619-990-6292
7	DATE	YOUR NAME (PLEASE PRINT)	EMAIL ADDRESS
	7/18	Lisa Robertson	Autmun42@GMAIL.COM
	STREET ADDRESS / PO BOX	CITY, STATE / PROVINCE, ZIP, COUNTRY	PHONE NUMBER
	37625 Clark Ct.	Palmdale CA 93552	661-974-1708
8	DATE	YOUR NAME (PLEASE PRINT)	EMAIL ADDRESS
	7/18.	Siobhan Manison	
	STREET ADDRESS / PO BOX	CITY, STATE / PROVINCE, ZIP, COUNTRY	PHONE NUMBER

Sierra Club Seal Society of San Diego

Bullet Points for CCC Meeting June 13th

1. Laws: Marine mammals are protected from any acts or intents of acts which would cause or have the potential to cause injury or a disturbance in their normal behavior. The current management plan is supported by Federal, State and Local (San Diego County) laws that follow this restriction.

a) Federal Law: Marine Mammal Protection Act (MMPA) prohibits any person from taking, touching, harming or harassing marine mammals in United States waters. Harassment is defined as "...any act or intent to pursue, torment, or annoy which has the potential to either: a) injure a marine mammal in the wild, or b) disturb a marine mammal by causing disruption of behavioral habits which includes, but is not limited to, migration, breathing, nursing, breeding, feeding or sheltering."

b) CALIFORNIA FISH AND GAME Fish and Game Code, Section 4500-4501

It is unlawful to take any marine mammal except in accordance with provisions of the Marine Mammal Protection Act of 1972 (Chapter 31 (commencing with Section 1361) of Title 16 of the United States Code) or provisions of Title 50 of the Code of Federal Regulations, or pursuant to subdivision (b) of this section. (b) At such time as federal laws or regulations permit the state to assume jurisdiction over marine mammals, the commission may adopt regulations governing marine mammals and the taking thereof. (c) For purposes of this chapter, "marine mammals" means sea otters, whales, dolphins, porpoises, seals, and sea lions.

c) SAN DIEGO MUNICIPAL CODE

SAN DIEGO MUNICIPAL CODE §63.0102(b)(10) of the municipal code states: “It is unlawful to take, kill, wound, disturb or maltreat any bird or animal, either wild or domesticated, unless the same shall have been declared noxious (defined as physically harmful or destructive to living beings).”

d) The California Coastal Act, while written to support public access to public coastal beaches, provides certain exceptions to access if it pertains to the protection of habitat and species, such as marine wildlife. In fact, it states that: “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development” should be protected and beach access to humans should be prohibited. This language protecting habitat is the strongest of any environmental law in the nation.

If these permits are not extended for this ten year period, it will be in defiance of the existing laws in place: MMPA, CA State law, San Diego Municipal Code, CA Coastal Act.

It is clear that without protection, the harbor seals will continue to be harassed by people on a regular basis.

2. Permit Approvals Essential: If these protective permits are not approved, seal harassment will continue unabated and innocent seals may suffer from stress, fatigue, and malnutrition, especially mothers and pups. It has been reported that if people get too close to the seals, causing them to stampede into the water, mothers may abandon their pups, which can result in pup mortality.

3. Designated Rookery: Casa Beach was designated as a Rookery (place for marine mammals to give birth) in 2000 by NOAA, and is the only designated rookery south of Ventura County, 160 miles away. As such, certain protections are inherently in place. To remove these protections would be counter to the law. Additionally, a "marine mammal park" was added to the 1931 land grant in 2009 by Senator Christine Kehoe allowing the seals to reside on the beach.

4. Management Plan: The current management plan allows for "shared use" by people and seals. The five months of "Closed Beach " is sustainable for the winter seasonal reproductive cycle of the harbor seals for a safe and secure place in the two months leading up to giving birth, a time to nurse and nurture the newborns, followed by the female recovery process and beginning of the mating season. This allows the young time to build up their strength, gain the necessary weight for insulation from the cold water temperatures and improve their survival skills in the ocean habitat.

Likewise, the seven months of "Open Beach" when the water is warmer and more people want to enjoy the summer beach for recreation is in sync with heavier use of beaches all along the coast by bathers. At this time, the seals tend to spend more time in the deeper waters and less time on the beach, as they suffer less hypothermia, and use less metabolic reserve.

5. Trial Period Results: The Rangers and Lifeguards support the positive effects of the current management plan. To paraphrase from the city's response to the adequacy of the plan; there are considerably fewer public confrontations between those who want to repeal the current plan of beach closure and those who support the closure. Births have taken place in relative safety and the vital nurturing time has been allowed free of human interference.

6. Trial Period Seal Counts: Seal counts have remained essentially the same. Contrary to speculation, there has not been an explosive increase in numbers of seals present at any one time in the past five years compared to previous monitoring. Biologists have placed a "carrying capacity" for this beach at around 250 seals. This takes into account beach space and accessibility, available food supply, water quality and tidal access.

7. Habitat location: People say the seals should go somewhere else, but within the 70 miles of beach in San Diego, there is no place for them to go that humans haven't already claimed. Even the outer islands are heavily populated by sea lions, for which seals do not intermix. In addition, and more importantly, seals are "site specific", meaning they reside and give birth at the habitat in which they were born. According to an 1887 Botsford map, Casa Beach was identified

as “seal point and seal rock”. This is evidence that the seals were present at and presumably before that time.

8. Economic Advantage: Having a wildlife viewing beach within a busy urban setting is beneficial to La Jolla businesses and the greater San Diego area. This is certainly evident at the beach, with annual counts exceeding 1.5 million visitors per year. Besides locals, visitors come from other US states and from all over the world to view the seals. Where else could these visitors stay, eat and enjoy other amenities this location has to offer?

9. **Education:** In this era of shrinking wildlife habitat, the educational value for all ages of visiting a designated wildlife viewing area to see the ocean life not confined to a concrete swimming pool and not domesticated by providing food or other human aide is extremely essential. This is an all too rare opportunity for the majority of people. Dr. Sara Allen, leading harbor seal biologist, has repeatedly stressed the unique nature of this site.

The configuration of the horseshoe viewing platform allows a safe and secure viewing experience for visitors as well as seals as they sleep, socialize, forage, molt, mate and give birth in their ocean habitat. There are few others places in the world, if any, which provide this advantage.

The colony of harbor seals are a short distance from the world famous Scripps Institution of Oceanography, a place of learning for graduate studies. Seals are slow to mature and reproduce. As top of the food chain, their existence depends on a balanced ocean environment. Many aspects about their behavior are still largely unknown. We have much to learn about them.

Setting aside this small beach for animal habitat is an example to youth that wildlife need and deserve a safe and secure "home base" to thrive and that humans do not need to take all available and desirable habitats for themselves. Seals have personality, experience compassion, have complex social patterns, mourn their dead, and mother and nurture their newborns until they are self-sufficient.

Quote from Richard Louv: “Studies have shown a positive link between Children’s exposure to nature and their academic performance.” Polls on children have shown that 90% of children want the seals protected and have said, “ they’d rather watch the seals than swim there”.

10. Risks: Marine mammals are the top of the food chain, along with the walrus (not found in this area) and sea lions. As such, they are indicators of pollution and declining fish populations. They currently suffer the effects of global warming, habitat loss, warmer waters, toxic exposures, and are victims of fishing, boating, and loud noises which causing hearing loss.

11. City Response to CCC Requirements: In response to the contingencies given to the city by the CCC five years ago, the city has thoroughly researched each item. They have reported that:

a) ADA access is not feasible at Casa Beach due to its small size and the large space needed for a ramp to the water. The ADA requirement was limited to access to the mid-

level bathrooms, which has been fulfilled. There is no law that requires each and every beach to have full ADA access, and there are several nearby beaches which do have access, including wheelchairs and easy ocean entry.

b) Sand cleansing is not practical due to the requirement of large sand moving equipment on the beach and the resulting major environmental damage. The removal of large amounts of sand would cause a southward migration of sand from northern beaches and erosion from the cliffs. In addition, the process would have to be repeated at least 2 times a year. The enormous expense of this monumental requirement has not been allocated.

c) The bacterial count of Casa Beach has historically exceeded state standards. The city is continuing to monitor bacterial levels and is conducting studies to proactively characterize potential sources of bacteria. However, zoonotic diseases have not been known to be transmitted from seals to humans according to studies done at the University of Florida. Signs stating, "Swim at your own risk" are posted during the open beach season. People have the choice to swim in other local beaches.

d) The presence of the guideline rope during the open beach season is a reminder to visitors to stay "a safe distance" from the seals. A seal exhibits "disturbed" behavior by body posture or vocalizations when people are too close. This reaction indicates considerable disturbance, which is illegal. Universal signs are posted warning visitors to keep away from the seals.

12. Designation of Rookeries: Of the 17 rookeries in CA, Casa Beach was the only rookery with no access restriction or closure during pupping season (Zircle 2014). This lack of management had dire results until the CCC voted to close Casa Beach during pupping season in 2014.

13. Seal Waste Deposition: Seal waste contributes to the health of the ecosystem and enhances greater species diversity. Studies have shown that seal deposition contributes essential nutrients and bacteria, which metabolize iron and phosphorus that is important for the growth of the all marine and vegetation species in the food chain (Lysak 2013, (Lavery et al. 2012), (McLoughlin et al. 2016). The understanding that marine top predators play important roles, and the consequences of removing them has been established through many studies and species, from sea otters to sleeper sharks (Heithaus et al. 2008, Estes et al. 2011). Harbor seals, for example, consume the predators of commercially important fish, and their presence can enable the recovery of these fish stocks (Li et al. 2010). Thus, the consequences of removing seals and the results of human behavior altering seal behavior gravely and adversely affect the entire ocean ecosystem.

Summary - Main Talking Points

1. CCA: Public access must be balanced against the need to protect environmentally sensitive habitat areas (ESHA).

2. CCA: Public access is subordinate to protecting ESHA.

3. Section 30240 states: “ESHA shall be protected against any significant disruption of habitat values, and only uses dependant on those resources shall be allowed within those areas."

4. CCC 2014: Supported full beach closure during pupping season.

5. CCC 2014: Supported seasonal restrictions on public access to protect seals

6. The current Management Plan works. Moms are protected from most harassment during the last 2 months of pregnancy, birthing, and nursing, and the pups have time to gain weight and learn how to forage for themselves.

7. During beach closure, disputes between pro beach and pro seal groups have diminished.

8. The guideline rope is protective during open beach season.

9. Federal, state and local wild animal protective laws are well established, but not enforced.

10. Harbor seals waste material contributes nutrients essential for all plants and animals in the ocean ecosystem.

11. If these permits are not renewed, seal harassment will go on unabated and clashes between the two factions will reemerge.

From: Anthony Ciani [mailto:aciani@cianiarchitecture.com]
Sent: Wednesday, June 05, 2019 5:03 PM
To: SanDiego@Coastal
Subject: Public Comment on June 2019 Agenda Item Thursday falsea - Permit No. 6-14-0691-A1 (City of San Diego Children's Pool Closure)

Anthony A. Ciani, Architect 220 Walnut Street, Pacific Grove, California 93950

ITEM: TH21-a & b

DATE: 6/13/2019

June 5, 2019

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060

RE: Permit No. 6-14-0691-A1 & No. 6-15-0223-A2

Dear Commissioners:

I urge you to adopt the staff findings and recommendations and approve the 10-year extension of both permits to protect the marine resources and public access consistent with the policies of La Jolla LCP and Coastal Act.

I am very familiar with the existing and long-term conditions specifically at the Children's Pool and La Jolla since 1956. I enjoyed swimming, skin diving and lifeguarding at the Children's Pool, and I consider the harbor seal uses an asset for the community and it visitors.

Sincerely,

Anthony A. Ciani
830 Kline Street
La Jolla, CA 92037

And

220 Walnut Street
Pacific Grove, CA 93950

From: Hannah [mailto:hafullmer78@gmail.com]
Sent: Thursday, June 06, 2019 10:07 AM
To: ChildrensPool@Coastal
Subject: I support the 10 year renewal of the La Jolla Seal protections

Dear Coastal Commissioners,

Last year I visited La Jolla, and the highlight of my trip was witnessing the Harbor Seal pupping in a way that was safe for the seals.
I support the 10 year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year") and CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs") to protect the La Jolla Harbor Seals.

Sincerely,
Hannah Fullmer
1118 N. Hollydale Dr.
Fullerton, CA

From: j glen [mailto:lexxygreen@gmail.com]
Sent: Thursday, June 06, 2019 3:42 PM
To: ChildrensPool@Coastal
Subject: Please APPROVE the 10-year renewal of the La Jolla Seals Protections!

Dear Coastal Commissioners,

Please support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.
The seasonal beach closure has reduced seal harassment to zero during the pupping season while dramatically reducing police calls with no citations issued at all. The closure restored the calm needed for the seals to give birth and nurse their pups in a natural environment free of human harassment during this critical time, while maintaining the unique viewing experience that remains open for all locals and tourists alike to enjoy.
From the perspective of a tourist, we have visited La Jolla and the Childern's Pool during the closure - most recently last spring.
We witnessed that further down the ocean front on the rocks - there were many tourists swarming around the sunbathing seals. The tourists were literally within inches of the seals despite signs telling visitors to keep many yards away. The signs were ignored and "daring" tourists would try to touch the largest of the animals. They would slowly sneak up toward them, quickly reach out to touch then run away. It was really horrible and dangerous - one can only imagine the determent of such harassment during pupping season at the childern's pool.
SEALS DURING PUPPING SEASON NEED TO BE AFFORDED THE CHILDERN'S POOL AS A SAFE REFUGE FROM THE INEVITABLE STUPIDITY OF PEOPLE!
PLEASE PROTECT THEM BY GRANTING THE REQUESTED 10 YEAR RENEWAL.
Sincerely,
J Glen

-----Original Message-----
From: Meredith Gmail [mailto:greenesteck@gmail.com]
Sent: Wednesday, June 05, 2019 6:00 PM
To: ChildrensPool@Coastal
Subject: Approve the 10-year renewal of the La Jolla Seals Protections

Dear Coastal Commissioners,

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals. I have specifically visited La Jolla to observe the seals and volunteer in another section of California where I directly observe how seals benefit from protection

Sincerely,

Meredith Greene

Sent from my iPhone

From: Mary Larenas [mailto:mnlarenas@gmail.com]
Sent: Friday, June 07, 2019 4:45 PM
To: ChildrensPool@Coastal
Subject: Approve CDP Application No. 6-14-0691 A-1 and CDP Application No. 6-15-0223 A-2; 10 year renewal of the La Jolla Seal protections

June 7, 2019

Attn: California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108 USA

SUBJECT: Approve CDP Application No. 6-14-0691 A-1 and CDP Application No. 6-15-0223 A-2; 10 year renewal of the La Jolla Seal protections

Dear Commissioner Groom,
I support the Coastal Act and the public's right to access the beach but not when it endangers the lives and welfare of seals, sea lions and other marine mammals. As a Docent volunteer naturalist and Seal Sitter at the Fitzgerald Maine Reserve in Moss Beach, CA I have witnessed firsthand the excitement and joy of visitors when they view our harbor seals, particularly moms and pups during pupping season. Viewing a brand new pup next to their mother never fails to make visitors, Park personal, and volunteers feel joy and wonder at the fragile beauty of these animals. San Mateo County Parks made the decision years ago to cordon off the rookery year round to prevent human contact with the seals and the animals have thrived. We are all grateful for their efforts.

At Children's Pool in La Jolla, the guideline rope has proven successful in preventing human harassment of the harbor seal colony during the non-pupping-season. Without the rope, people will have no determined boundaries and will get too close to the seals. More out of ignorance than malice, people will scare the animals by trying to pet them, take selfies with them, or just get too close.

Guidelines, ropes, permits, seasonal beach closures, are practical solutions which allow for safe viewing and animal habitat protection while preserving La Jolla's Children's Pool uniqueness. The seasonal beach closure has produced positive results by reducing seal harassment to ***zero*** during the pupping season and has dramatically reduced calls to Police. These measures also protect the public from injury.

With your help, the La Jolla seals will continue to enjoy these sensible and effective protections for another 10 years. I urge you to please support the 10 year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year") and CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs") to protect the La Jolla Harbor Seals

Sincerely, Dr. Mary Larenas
Moss Beach, CA

Re: Approve the 10 year renewal of the La Jolla Seal protections

Dear Coastal Commissioners,

Having lived in La Jolla for over 50 years and raised my children there, I am writing in support of the staff recommendation to extend both the pupping season barrier and off-season beach closure at the Casa Children's Pool This is an exceptional opportunity to both protect this native species in La Jolla and to educate the public about coastal resources.

I support the 10 year renewal of CDP Application No. 6-14-0691 A-1 ("Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year") and CDP Application No. 6-15-0223 A-2 ("Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs") to protect the La Jolla Harbor Seals.

Sincerely,
Lisa Ciani

220 Walnut Street
Pacific Grove, CA 93950

-----Original Message-----
From: john@johnlomac.com [mailto:john@johnlomac.com]
Sent: Thursday, June 06, 2019 11:55 AM
To: SanDiego@Coastal
Subject: Public Comment on June 2019 Agenda Item Thursday falsea - Permit No. 6-14-0691-A1 (City of San Diego Children's Pool Closure)

Dear Chairwoman Bochco and Commissioners ~

I do plan to attend the June 13th meeting to speak in support of the above subject item. I was a City of San Diego seasonal and full-time ocean lifeguard for many years and worked at all of the La Jolla beaches throughout my career. I have spoken at previous Coastal Commission meetings on this same issue.

The Children's Pool area is a beautiful setting. However, I have always considered it an unsafe swimming area due to the uneven ocean floor and resulting rip current(s) off the end of the sea wall. It doesn't take much of an ocean swell to create dangerous swimming or diving conditions. Winter surf conditions are even more hazardous.

I am a 60+ year resident of San Diego. I have two grandsons ages eight and four. I happily take them to the Children's Pool to experience the joy of observing the harbor seal colony, particularly during the pupping season. However, I would never take them to the Children's Pool to swim or snorkel, whether the harbor seals were present or not. There are far safer beach locations in La Jolla and other areas of the city of San Diego available.

Bottom line . . . when I was assigned weekend duty hours as a seasonal lifeguard to the Children's Pool I always experienced a higher level of uneasiness than my assignments at other beach locations. From a public safety perspective I absolutely prefer to have the harbor seal colony utilize the beach for their own purposes throughout the year, including the beach closure from December through May during the pupping season, as well as the permanent use of the guide rope to avert unnecessary human encroachment.

Sincerely,

John Lomac

832 West Montecito Way
San Diego, CA 92103

From: Misslbeck, Heidi@DOT [mailto:heidi.misslbeck@dot.ca.gov]
Sent: Thursday, June 06, 2019 8:11 AM
To: ChildrensPool@Coastal
Subject: Approve the 10-year renewal of the La Jolla Seals Protections

Dear Coastal Commissioners,

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.

Please have consideration for this unique resource we have, that allows children and adults to view seal behavior from so close-up – it is almost unique in the world. The joy of seeing the new mothers taking the new babies out, of seeing the amazining and astounding things animals will do, such as sleeping upright in the water, like some kind of Dr. Seuss animal, while the baby sports around : this kind of stuff is unique, an invaluable and astounding education for us, in our nature-deprived human world.

We, the humans, have the entire coast practically, to swim. The seals have just this little beach. Please let them thrive. It is an invaluable way to make a significant impact on the education of our future generations.

Sincerely,

Heidi Misslbeck

Coronado, CA

(formerly of 936 Coast Blvd, La Jolla)

From: Emily Richards [mailto:artistechemily@gmail.com]
Sent: Thursday, June 06, 2019 5:11 PM
To: ChildrensPool@Coastal
Subject: Approve the 10-year renewal of the La Jolla Seals Protections

Dear Coastal Commissioners,

As a former resident of La Jolla for over 10 years, my husband and I still visit every year. We are always horrified when we see humans getting way too close to the seals and their pups just for a selfie or even to harass the seals. Most of humanity cannot be trusted unfortunately and needs restrictions.

I support the 10-year renewal of CDP Application No. 6-14-0691 A-1 (Closure of Children's Pool Beach to all public access during Harbor Seal pupping season, December 15 to May 15, of each year) and CDP Application No. 6-15-0223 A-2 (Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs) to protect the La Jolla Harbor Seals.

Sincerely,

Emily Richards Nogawski
CEO, ArtisTech Media
artistechmedia.com
iPhone speelingg errorts likely

From: Ellen Shively [mailto:ellenshively@sbcglobal.net]
Sent: Friday, June 07, 2019 4:13 PM
To: Brownsey, Donne@Coastal; ChildrensPool@Coastal
Subject: In favor of Items #21 and #22 on June 13, 2019 to be included in the CCC packets.

Dear Ms Brownsey:

I wanted to request an ExParte phone call today, but my computer would not allow. Please accept this short message in lieu of an actual conversation.

The management plan in place at Children's Pool which includes seasonal beach closure over the pupping season and the "open beach" the remaining seven months has proven very effective in many ways:

a. It has reduced the open conflict between groups in favor of the trial management plan and the opposition group not in favor of any restricted access to the beach.

b. It backs the part of the California Coastal Act in favor of "protecting , maintaining , and where feasible, enhances and restores the overall quality of the coastal zones resources.

c. It prevents human activities or disturbances during the pupping season which could easily cause nursing females to abandon their newborns.

d. It gives protections to environmentally sensitive areas.

e. It recognizes seal watching as a valid recreational activity.

On June 13th, the CC Commissioners will hear testimony from both sides to either renew the management plan for an extended ten year period or fly in the face of all the federal, state, and local laws, environmental protections in place and the basic Public Trust Doctrine addressing the protection of the harbor seal colony.

In view of the success of the five year trial period, it is reasonable to expect the Commission will extend this management program for the recommended ten year period.

Thank you.

Ellen M. Shively
6011 Cumberland St.
San Diego, Ca 92139

SIERRA CLUB
SAN DIEGO CHAPTER

June 7, 2019

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego 92108

Re: Application Nos. 6-14-0691-A1 and 6-15-0223-A2 (Children's Pool Closure and Rope Barrier)

Dear Commissioners:

I preparation for the hearing of the above referenced permit applications, Sierra Club San Diego asked our members and the public to sign postcards urging the Commission to renew the applications to close the beach during the 5-month pupping season and use of the guideline rope during the rest of the year. Additionally, Sierra Club San Diego collected electronic signatures through an online petition.

We submit the following documents and current tallies for inclusion in the Commissioners informational packets.

Postcards – 1,383
Online petition signatures – 1,276

Sierra Club and the 2,659 California citizens who have signed our petitions, urge the Commission to preserve this special place where the seals are protected in their natural habitat and where all can enjoy the rare experience of watching them.

Thank you

Richard Miller
Chapter Director

Ellen Shively
Chair
Sierra Club San Diego Seal Society



Enclosure:
California Coastal Commission Postcard list
California Coastal Commission online petition list

California Coastal Commission On-Line Petition in Favor of Continued Closure of Casa Beach

EXPLORE, ENJOY, AND PROTECT THE PLANET

(//www.sierraclub.org/

San Diego Chapter (//sandiegosierraclub.org/)

Protect The La Jolla Harbor Seals And Their Pups!!



1,000 GOAL

For the past five years, Casa Beach in La Jolla, home of the harbor seal colony, has been closed during the 5 months of Pupping Season so the pups could be born and nursed without human disturbance. The rest of the year the beach is shared by people and seals, though a guideline rope serves as a reminder for people to stand behind it and keep a safe distance from the seals.

Visitors come from all over the world, millions of them, to view the moms and pups as few sites offer this close panoramic view. It is a treasure that delights, educates, and brings us closer to nature and the animals who share our planet.

Without these protections, the colony and their pups would suffer terrible human harassment when people get too close to them. This has a deleterious effect on the moms and newborn pups, and may result in abandoned pups, malnutrition, stress, and increased pup mortality.

The California Coastal Commission (CCC) will be deciding on June 12th -14th whether to continue to keep the beach closed during the pupping season and maintain the guideline rope for a ten year period.

The opposition wants the seals gone and this small beach left to themselves year round, despite the seven other nearby beaches, and the dreadful effect their presence would inflict on the seal colony.

Please sign your name to let the CCC know that you support the retention of these protections for the

seals and their pups during their critical pupping period and to maintain the guideline rope during the summer season.

PLEASE SHARE THIS PETITION WITH YOUR FRIENDS.

1,276

SIGNATURES OF 1,400 GOAL

- **Your Information**

Curtis Robertson
email: cdr1977@sbcglobal.net | zip: 92026
Not Curtis Robertson? Reset form. (https://act.sierraclub.org/actions/SanDiego?actionId=AR0158522)

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Sign the Petition

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Grand Totals (1,258 records)		

California Coastal Commission Postcard

in Support of Continued Closure of Casa Beach

Dear Coastal Commissioners:

Please support the continued closure of Casa Beach during the winter pupping season, **CDP #6-14-0691**, and placement of a guideline rope during the summer months, **CDP #6-15-0223**.

During the five-year trial period, the number of disruptive behaviors between opposing groups as well as human-caused seal disturbances has greatly decreased. Beach closure has allowed mothers and pups to rest, give birth, bond, nurse, and teach the pups the necessary skills to survive. Keeping the beach open all year for human recreation is unconscionable and will do great harm.

The rope has served as a effective reminder for people to keep a safe distance away from the seals and has reduced the number of flushing incidents.

These measures have been shown to benefit both seals and people. Please renew these permits!

Thank you,

_____
(please sign here)

(Please print)
Name _____

Address _____

City _____ Zip _____

email _____

Last Name	First Name	Address	City	Zip/Postal
Durall	Jean	4457 Calavo Dr	La Mesa	91941
Davis	John	645 Front St Unit 705	San Diego	92101
Norris	Tracy	2801 B St # 9	San Diego	92102
Patterson	Gail	6351 Lake Alturas Ave	San Diego	92119
Gottesman	Elaine	9865 Rimpark Way	San Diego	92124
Gesick	Dorothy	3720 Louisiana St	San Diego	92104
Turner	Ellen	5738 Baja Dr	San Diego	92115
Nye Schaffroth	Anna	1640 Chase Ln # A	El Cajon	92020
Benjamin	Elaine	2627 Eltinge Dr	Alpine	91901
Elgie	Barbara	4663 Lawler Ct	La Mesa	91941
Stephens	Karen	8700 Pampa St	La Mesa	91942
Wyatt	Darlene	1953 Fairhaven St	Lemon Grove	91945
Shank	Patricia	4338 Orchard Ave	San Diego	92107
Long	Sandra	6502 Cartwright St	San Diego	92120
Chase	Clayton	4117 Eagle St	San Diego	92103
Goodwin	Gentra	959 Granger St	San Diego	92154
Vendetti	Carol	4855 Kings Way	San Diego	92117
Bartelle	Bonnie	8747 Gardena Rd	Lakeside	92040

Atwood	Paul	13354 Bavarian Dr	San Diego	92129
Spencer	Patricia	2718 Chaffee St	National City	91950
Robinson	Karenlee	4783 Adair St	San Diego	92107
Murdock	Carol	9960 Jay Ct	Santee	92071
Robershaw	Phyllis	325 Kempton St # 161	Spring Valley	91977
Gibbons	Millie	1867 Gamay Ter	Chula Vista	91913
Averill	Susan	3184 Juniper St	San Diego	92104
Ulibarri	Cherill	3671 Fairway Dr	La Mesa	91941
Oberlander	Ken	3732 Meade Ave	San Diego	92116
Amberger	Ronald	253 10th Ave Unit 1204	San Diego	92101
Blumberg	Elaine	137 Pennsylvania Ave Apt 2	San Diego	92103
Hipp	Rita	4811 Del Monte Ave Apt 3	San Diego	92107
Titlow	Louise	4717 Niagara Ave	San Diego	92107
Bartley	Thomas	8894 Pipestone Way	San Diego	92129
Bernstein	Sanford	5599 Baja Dr	San Diego	92115
Thackray	Varykina	3521 Herman Ave	San Diego	92104
Baisch	Ingrid	4476 Oregon St	San Diego	92116
Devine	Irene	2500 6th Ave Unit 1103	San Diego	92103
Gray	Kathryn	3050 Winters Hl # A	Vista	92084
Houghton	John	2367 Worden St	San Diego	92107
Austin	Barbara	2312 Soto St	San Diego	92107
Greyson	Richard	6840 Summit Ridge Way	San Diego	92120
Criddle	Lisa	5058 February St	San Diego	92110
Sullivan	Patrick	1857 Honey Springs Rd	Jamul	91935
Zukas	Lorna	5615 Spartan Dr	San Diego	92115
Ambrose	Jeannine	191 Corte Maria Ave	Chula Vista	91910
Ramirez	Donna	1272 Helix View Dr	El Cajon	92020
Halpern	Samuel	3518 Emerson St	San Diego	92106
Stern	Hervey	3634 Hyacinth Dr	San Diego	92106
Lane	Dianne	3509 Udall St	San Diego	92106
Potter	James	5980 Tooley St	San Diego	92114
Sharp	Judith	6808 Newberry St	San Diego	92120
Medrano-Huffer	Cristina	PO BOX 83434	San Diego	92138
Wharton	Richard	2660 San Marcos Ave	San Diego	92104
Holloway	Sally	5010 Canterbury Dr	San Diego	92116
Chaddock	Debbie	4478 Campus Ave Apt 101	San Diego	92116
Chruden	Marybeth	4503 Rhode Island St	San Diego	92116
Butler	Elizabeth	1494 Bathurst Pl	El Cajon	92020
Sanders	T'sonya	1502 Granite Hills Dr Unit A	El Cajon	92019
Briggs	Linda	4756 Biona Dr	San Diego	92116
Cupp	Karen	PO BOX 1553	Lakeside	92040
Stevens	Kimberly	6140 Dalhart Ave	La Mesa	91942
Mitchell	Susan	3324 Harbor View Dr	San Diego	92106

Emerick	Joan	4467 Campus Ave Apt 6	San Diego	92116
Veghte	Maria	3108 Carleton St	San Diego	92106
Thomas	Ralph	1446 Elmwood Ct	Chula Vista	91915
Brooks	Candice	3472 Wisteria Dr	San Diego	92106
Baker	Carole	5228 N Thorn St	San Diego	92105
Randerson	Susan	831 Golden Park Ave	San Diego	92106
Dotson	Steffanie	1054 Devonshire Dr	San Diego	92107
Franco	Virginia	6142 Romany Dr	San Diego	92120
Masterson	Carol	5524 Carmen St	San Diego	92105
Thomas	Michael	1865 Magdalene Way	San Diego	92110
Chang	Mei	4472 Menlo Ave	San Diego	92115
Sennett	Peggy	2740 Nutmeg Pl	San Diego	92104
Artiaga	Linda	4277 Sierra Vis	San Diego	92103
Rauber	Rebecca	8339 Golden Ave	Lemon Grove	91945
Hall	Diana	102 Shasta St	Chula Vista	91910
Vitiello	Patricia	11448 Rocoso Rd	Lakeside	92040
Carello	Shirley	1151 Old Chase Ave	El Cajon	92020
Johnson	Barbara	1851 Candle Ln	El Cajon	92019
Brenner	Harold	9110 Brier Rd	La Mesa	91942
Larson	Lisa	10341 Woodrose Ave	Santee	92071
Andersen	Peter	3897 Hidden Trail Dr	Jamul	91935
Jenkins	Thomas	9690 Wayfarer Dr	La Mesa	91942
Goettler	Nancy	4247 Blackton Dr	La Mesa	91941
Moran	Susan	1630 Primera St	Lemon Grove	91945
Rood	Pamela	4676 Edgeware Rd	San Diego	92116
Eaves	James	2516 N Ave	National City	91950
Cohen	Louis	1205 Pacific Hwy Unit 2101	San Diego	92101
Vasey	Trevor	8602 Chaparral Way	Santee	92071
Persons	Marion	3044 Goldsmith St	San Diego	92106
Elliott	Carol	1648 32nd St	San Diego	92102
Shore	Herbert	6142 Romany Dr	San Diego	92120
Mendez	Rosalyn	4811 Coronado Ave Apt 4	San Diego	92107
Booth	Rebecca	4967 Lillian St	San Diego	92110
Willard	Ann	5051 September St	San Diego	92110
Wertz	Leslie	1890 Bonus Dr	San Diego	92110
Boucher	David	4361 Santa Cruz Ave	San Diego	92107
Sennett	Shawn	4120 Loma Alta Dr	San Diego	92115
Lander	Beth	4208 Collwood Ln	San Diego	92115
Beit Ishoo	Gladys	757 Emory St # 151	Imperial Beach	91932
Koehler	Barbara	263 Eucalyptus Ct	Chula Vista	91910
Yates	Glen	1569 Lily Ave	El Cajon	92021
Bretz	William	2235 Sloan Canyon Rd	El Cajon	92019
Bigger	Carolyn	848 Hacienda Dr	El Cajon	92020

Bartels	Cathy	8551 Blue Lake Dr	San Diego	92119
Heiserman	Sonya	2036 S Barcelona St	Spring Valley	91977
Pennick	Richard	9584 Upland St	Spring Valley	91977
Shuk	Linda	7632 El Paso St	La Mesa	91942
Solomon	Nicholas	8395 Lake Adlon Dr	San Diego	92119
Schmidt	Brigitte	6011 Cumberland St	San Diego	92139
La Bouff	Patricia	8584 Fanita Dr	Santee	92071
Waters	Solveig	2857 Via Posada	La Jolla	92037
Fink	Sheila	5970 Zora St	La Mesa	91942
Darby	Sandra	4450 Ad Astra Way	La Mesa	91941
Aggson	Van	24559 Watt Rd	Ramona	92065
Latham	Nancy	1252 Winter View Pl	El Cajon	92021
McComas	Barney	3770 Georgia St Apt 8	San Diego	92103
McLaughlin	Bobbi	13108 Pam Ln	Lakeside	92040
Pieper	Robert	1684 Ebers St	San Diego	92107
Hartley	Stuart	3423 Carleton St	San Diego	92106
Marshall	Sharon	3080 Madrid St	San Diego	92110
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Mangum	Alicia	3551 Boundary St	San Diego	92104
Navarrete	Nora	5750 Friars Rd Apt 205	San Diego	92110
Head	John	358 E J St	Chula Vista	91910
Barck	Richard	86 Kingston Ct W	Coronado	92118
Radinovsky	Kathryn	677 G St Spc 81	Chula Vista	91910
Iosupovici	Miriam	1320 Seacoast Dr Unit L	Imperial Beach	91932
Curran	Gloria	731 I Ave	Coronado	92118
Sixtus	Ann	8353 Rumson Dr	Santee	92071
Eddins	Victoria	5040 Comanche Dr Apt 45	La Mesa	91942
Morgan	Donna	4608 Calavo Dr	La Mesa	91941
Campbell	Keith	10302 Lake Ridge Ct	Spring Valley	91977
Polanco Rodriguez	Rafael	632 Betty St	San Diego	92154
Clayton	Ruth	1172 Corte De Cera	Chula Vista	91910
Milton	Jill	1346 Lindenwood Dr	El Cajon	92021
Erece	Linda	761 Beech Ave	Chula Vista	91910
Land	Candice	1510 3rd Ave # 49	San Diego	92101
Sweeney	Daniel	1403 Rosemonde Ln	Santee	92071
Krivitz	Marie	4346 Swift Ave	San Diego	92104
Wiley	Alan	4470 Santa Monica Ave	San Diego	92107
Halpern	Geraldine	1186 Barcelona Dr	San Diego	92107
Lilleberg	Anne	1422 49th St	San Diego	92102
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Peterson	Julieann	4625 W Talmadge Dr	San Diego	92116
Bettinger	Robert	3940 Park Blvd Apt 911	San Diego	92103
Moy	Tamra	4243 Acacia Ave	Bonita	91902

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Cantrell	Ina	6164 Baltimore Dr	La Mesa	91942
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Mortenson	Gary	6860 Caminito Montanoso Unit 11	San Diego	92119
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Borden	Scott	4328 Randolph St	San Diego	92103
Needel	Norman	4525 Lyons Dr	La Mesa	91941
Stock	Dorothy	7160 Baldrich St	La Mesa	91942
Shalom	Diane E	5138 68th St	San Diego	92115
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Hoeltgen	Deborah	4631 Van Dyke Ave	San Diego	92116
Gajewski	Walter	3273 Ibis St	San Diego	92103
Millman	Toni	6406 Friars Rd Unit 328	San Diego	92108
Scott	Kari	4403 33rd St	San Diego	92116
Goldfeather	Marilyn	1441 1/2 Madison Ave	San Diego	92116
Rosenberg	Renee	44673 El Centro Ave	Jacumba	91934
Neagle	Filipinas	432 Moss St	Chula Vista	91911
Eklund	Roberta	6762 Delfern St	San Diego	92120
Downing	McLane	2635 2nd Ave Apt 529	San Diego	92103
Toothaker	James	4165 Rochester Rd	San Diego	92116
Huff	Mari	4733 Kensington Dr	San Diego	92116
Galaif	Robin	6006 Wenrich Dr	San Diego	92120
Gangsei	David	5465 Madison Ave	San Diego	92115
Ross	Melody	10445 Mast Blvd Apt 119	Santee	92071
Crawford	Barbara	4533 Lee Ave	La Mesa	91941
Emerson	Susan	15644 Creek Hills Rd	El Cajon	92021
Erricson	Bruce	6761 Saranac St	San Diego	92115
Fitzsimmon	Pat	5715 Baltimore Dr Unit 133	La Mesa	91942
Boothroyd	Arthur	2550 Brant St	San Diego	92101
Perske	Louis	5609 Kiowa Dr	La Mesa	91942
Sasaki	Stacey	9123 Valencia St	Spring Valley	91977
Rockwell	Justin	1035 Myrtle Way	San Diego	92103
Baldwin	Robert	4424 Arch St	San Diego	92116
Anzuoni	Catherine	997 Valencia Ct	Chula Vista	91910

Brown	Julia	9395 Harritt Rd Spc 32	Lakeside	92040
Abbott	Brian	15535 Olde Highway 80	El Cajon	92021
Caldwell	Craig	121 Willow Pond Rd	Santee	92071
Larsen	Brent	4250 Sierra Vis	San Diego	92103
Deaton	Edmund	655 Columbia St Unit 303	San Diego	92101
Lancia	Anna	10127 Cliffside Pl	Spring Valley	91977
Jirek	Leonard	4680 Troy Ln	La Mesa	91942
Randall	Marilyn	4390 Lowell St	La Mesa	91942
Myers	Donovan	5866 Highplace Dr	San Diego	92120
Marcus	Martin	5015 Greenbrier Ave	San Diego	92120
Valerie	Donna	5875 Overlake Ave	San Diego	92120
Vendetti	Jennifer	158 Paul Ave	Mountain View	94041
Kafalas-May	Rita Maria	1357 Caminito Gabaldon Unit E	San Diego	92108
Krieger	Lawrence	10836 Calle Verde Apt 249	La Mesa	91941
Fritsch	Deborah	3540 Carleton St	San Diego	92106
Jensen	Bonnie	1804 Parrot St	San Diego	92105
Hanselman-Wong	Joan	4372 Bancroft St	San Diego	92104
Petrie	Philip	4469 Cherokee Ave	San Diego	92116
Stroh	Joan	376 Center St Unit 332	Chula Vista	91910
Copper	Elizabeth	227 F Ave	Coronado	92118
Pierce	Nuri	10746 Melva Rd	La Mesa	91941
Ele	Linda	8767 Wahl St	Santee	92071
Villalobos	Timothy	8843 Leigh Ave	Spring Valley	91977
Pardy	Linda	2707 K Ave	National City	91950
Hess	Carleen	1247 Granger St	Imperial Beach	91932
Bradshaw	Denise	620 W Pennsylvania Ave	San Diego	92103
Decker	Mary	4025 John St	San Diego	92106
Andersen	Elizabeth	200 Orange Ave Unit 204	Coronado	92118
Nash	Brad	2317 54th St	San Diego	92105
Potluru	Kate	6692 Archwood Ave	San Diego	92120
Zukas	Alex	5615 Spartan Dr	San Diego	92115
Hoffman	Clarence	9622 Elm Dr	Descanso	91916
Maize	Wendell	3566 Calle Colina Roca	Alpine	91901
Deese	Deborah	844 Renfro Way	El Cajon	92019
Knowles	Gary	4915 Orcutt Ave	San Diego	92120
Hammond	Judith	10880 Highway 67 Spc 72	Lakeside	92040
Schneider	Phillip	5005 Chaucer Ave	San Diego	92120
Mc Ivor	Anthony	8080 Cinnabar Dr	La Mesa	91941
Black	Carol	288 F St Apt 1402	Chula Vista	91910
Hartley	John	PO Box 16066	San Diego	92176
Benet	Mercedes	Unknown	Carlsbad	92009
Lea	Victoria	1606 Columbia St	Chula Vista	91913
Shively	Ellen	6011 Cumberland St	San Diego	92139

Richert	David	11888 Lomica Dr	San Diego	92128
Ollman	Leah	1041 Alberta Pl	San Diego	92103
Steven	Heather	2759 Grandview St	San Diego	92110
Will	John	339 Brightwood Ave	Chula Vista	91910
Douglas	Nancy	5857 Mount Alifan Dr	San Diego	92111
Ciabattini	Ernest	1410 Seacoast Dr	Imperial Beach	91932
Cadman	Susan	1206 Barbara Dr	Vista	92084
Brown	Gregory	829 Ocean Crest Rd	Cardiff	92007
Williamson	Joan	1755 Belle Meade Rd	Encinitas	92024
Oshea	Mary	1328 Condor Ct	Encinitas	92024
Giles	Robert	1974 Palsero Ave	Escondido	92029
Joy Karno	Beverly	16262 Dia Del Sol	Valley Center	92082
Bartlett	Catherine	200 N El Camino Real Spc 40	Oceanside	92058
Poole	Cynthia	1206 Canter Rd	Escondido	92027
Eastwood	Myrna	1838 W Via Rancho Pkwy	Escondido	92029
Wolfe	Sylvia	1332 Corte Lira	San Marcos	92069
Ross	Gordon	4843 Flying Cloud Way	Carlsbad	92008
Schmidt	Diana	3644 Lake Ridge Rd	Fallbrook	92028
Schindele	Paulette	2442 Tamara Ln	San Marcos	92069
Tillman	Denise	2108 Palmer Dr	Oceanside	92056
Hamilton	John	3583 Newland Rd	Oceanside	92056
Power	Laurie	PO BOX 236122	Encinitas	92023
Scott	Thea	220 Sparrow Way	Oceanside	92057
Anthony	Vicki	1120 S Broadway	Escondido	92025
Frazier	John	1448 Elva Ct	Encinitas	92024
Brandenburg	Glen	5500 Campanile Dr	San Diego	92182
Kleffel	Dorothy	1671 Rancho Vista Way	Fallbrook	92028
Seltzer	Mary Ann	1175 La Moree Rd Spc 19	San Marcos	92078
Lawson	Robert	11145 Meadow Glen Way E	Escondido	92026
Torgison	Cynthia	1315 San Pablo Dr	San Marcos	92078
Cappadonna	Mary	1014 Laguna Dr Apt 5	Carlsbad	92008
White	Charlotte	3347 Malta Way	Oceanside	92056
Pope	Carl	1977 E Pointe Ave	Carlsbad	92008
La Bianca	Loretta	1127 Inspiration Ln	Escondido	92025
Stewart	Christine	307 Whippoorwill Gln	Escondido	92026
Harruff	Albert	5044 Santorini Way	Oceanside	92056
Delmonte	Peter	994 Woodgrove Dr	Cardiff	92007
Hill	Kimberly	3289 Donna Dr	Carlsbad	92008
Lockridge	Kathy	664 Poets Sq	Fallbrook	92028
Arnicar	Donna	276 Rosebay Dr	Encinitas	92024
Geiger	Holiday	4315 Trieste Dr	Carlsbad	92010
Park	Connie	3427 Don Alvarez Dr	Carlsbad	92010
Fisher	Lauranne	3739 Balboa Dr	Oceanside	92056

Dilley	Dean	2375 Lagoon View Dr	Cardiff	92007
Hilton	Carol	3091 Buena Hills Dr	Oceanside	92056
Thompson	Ronald	3191 Coral Dr	Oceanside	92056
Bacallao	Edward	3103 La Costa Ave	Carlsbad	92009
Petitmermet	Robert	19903 Cerro Pedregoso	Escondido	92029
Kingsbury	Dorris	350 Cypress Crest Ter	Escondido	92025
Koch	Ayse	411 Delage Dr	Encinitas	92024
Pearce	Bonnie	194 Bright Creek Ln	Oceanside	92056
Poli	Joseph	1765 S Maple St # 1	Escondido	92025
Meyers	Mary	3009 Corte Baldre	Carlsbad	92009
Schmalz	Robert	3984 Baja Vista Dr	Oceanside	92058
Godfrey	Shannon	148 Adelia Way	Oceanside	92057
Stewart	John	1544 Fairway Vis	Encinitas	92024
Painter	Tom	1151 Turquoise St	San Diego	92109
Feil	Christine	524 S Freeman St	Oceanside	92054
Anderson	Jennifer	530 Burma Rd	Fallbrook	92028
Morse	Robert	1319 Clear Crest Cir	Vista	92084
Lichterman	Cathy	3865 Monroe St	Carlsbad	92008
Schwaebe	Michael	215 Andrew Ave	Encinitas	92024
Martin	Kaye	1786 Edgefield Ln	Encinitas	92024
Quinn	Joan	1286 Discovery St Spc 101	San Marcos	92078
Bleha	Bill	3209 Fosca St	Carlsbad	92009
Bleha	Juliet	1215 Willow St	San Diego	92106
Beimel	Pamela	7058 Rock Dove St	Carlsbad	92011
Mayers	Robert	7803 Calle Lomas	Carlsbad	92009
Acevedo	Dallas	3659 Azure Lado Dr	Oceanside	92056
Metcalf	Kathryn	4950 Hillside Dr	Carlsbad	92008
Katayama	Miles	5675 Stetson Pl	Oceanside	92057
Margolies	Thelma	4727 Miletus Way	Oceanside	92056
Davis	Anne	806 Stratford Dr	Encinitas	92024
Reynolds	Jeanette	1812 Somerset Ave	Cardiff	92007
Collins	David	1068 Arden Dr	Encinitas	92024
Weisgerber	Sandra	35504 Montezuma Valley Rd	Ranchita	92066
Schmitt	Juliet	3556 Hastings Dr	Carlsbad	92010
Sedio	Marian	15560 Villa Sierra Ln	Valley Center	92082
Weirich	Patty	16457 Sombra Del Monte	Ramona	92065
Nevins	Noah	566 Deadwood Dr	San Marcos	92078
Roth	Barbara	6731 Paseo Del Vis	Carlsbad	92009
Richardson	Gary	1545 Ridgeway St	Oceanside	92054
Krammer	Carolyn	904 Leonard Ave	Oceanside	92054
Lane	Marc	441 W El Norte Pkwy Apt 309	Escondido	92026
Woodworth	Peter	1363 Clarence Dr	Vista	92084
Ellinwood	Ann	1872 Sienna Canyon Dr	Encinitas	92024

Jones	David	571 Hygeia Ave Apt A	Encinitas	92024
Viggianelli	Linda	2326 Hogan Way	Oceanside	92056
Kjeldsen	Donna	2175 Foothill Dr	Vista	92084
Farrell	Sandra	1900 Esplendido Ave	Vista	92084
Schafer	James	1975 Encino Dr	Escondido	92025
Packert	Bonnie	520 Topaz Ct	Escondido	92027
Michalak	Cheri	525 W El Norte Pkwy Spc 213	Escondido	92026
Ulman	Timothy	2040 Habero Dr	Escondido	92029
Lindert	Thomas	1220 Natoma Way Unit A	Oceanside	92057
Miller	Bryce	31340 Cottontail Ln	Bonsall	92003
Price	David	1318 Deerbrook Dr	San Marcos	92069
Le Mieux	Kathleen	7059 Estrella De Mar Rd # 67	Carlsbad	92009
Willey-Pope	Laura	3031 Via Amador	Carlsbad	92010
Singer	Bennett	2164 Avenida Toronja	Carlsbad	92009
Heid	Marilyn	473 Ali Way	Fallbrook	92028
Soria	Peter	367 Trailview Rd	Encinitas	92024
Grant	Kerry	808 Regal Rd # 4J	Encinitas	92024
Schwalen	Mary	230 Calle De Madera	Encinitas	92024
Jopes	Carolyn	167 Maple Ave	Carlsbad	92008
Barend	Mary Jo	6849 Briarwood Dr	Carlsbad	92011
Johnson	Stanley	5549 Soledad Mountain Rd	La Jolla	92037
Calleia	Anton	7026 Ivy St	Carlsbad	92011
Dhillon	Victor	7222 Wisteria Way	Carlsbad	92011
Wicks	Cara Lou	3724 Ginger Way	Oceanside	92057
Casioce	Sharon	344 W 8th Ave	Escondido	92025
Conger	Daniel	1633 Encino Dr	Escondido	92025
Sorensen	Mary	753 W 6th Ave	Escondido	92025
Richardson	Elaine Gale	716 San Dieguito Dr	Encinitas	92024
Oyama	Neal	4762 Renovo Way	San Diego	92124
Wesley	Jerry	1078 Canyon Creek Pl	Escondido	92025
Heit	Barbara	6164 Citracado Cir	Carlsbad	92009
Filosa	John	4502 Bannock Ave	San Diego	92117
Kryzuda	Aurie	11377 Red Cedar Way	San Diego	92131
Raymond	John	8975 Lawrence Welk Dr Spc 118	Escondido	92026
Jordan	David	8276 La Jolla Shores Dr	La Jolla	92037
Plummer	Wylie	16326 Orchard Bend Rd	Poway	92064
Pronchick	Cheryl	1436 Santa Fe Dr	Encinitas	92024
Ulman	Gudrun			
Blaszcak	Peter	1044 Olive Ter	Ramona	92065
Goldman	Melanie	31078 Mesa Crest Rd	Valley Center	92082
Lichtman	Michael	3511 Simsbury Ct	Carlsbad	92010
Newman	Rae	5507 Caminito Roberto	San Diego	92111
Hall	Penny	1250 Via Apuesto	San Marcos	92078

Mendez	Lori	4267 Conner Ct	San Diego	92117
Groat	Linda	2936 Roseann Ave	Escondido	92027
Flaherty	Janet	1655 Little Gopher Canyon Rd	Vista	92084
Ostergaard	Paul	2415 Lookout Mountain Rd	Fallbrook	92028
Kruswick	Darlene	PO BOX 447	San Marcos	92079
Wigmore	John	870 Neptune Ave	Encinitas	92024
Ranson	Ronald	174 Andrew Ave	Encinitas	92024
Bentson	Lisa	2450 Montgomery Ave	Cardiff	92007
Miller	Gregg	16905 Silver Pine Rd	San Diego	92127
Paul	Sue	200 N El Camino Real Spc 297	Oceanside	92058
Campbell	Patricia	7640 Andasol St	San Diego	92126
Pope	Laura	3685 Vista Campana N Unit 58	Oceanside	92057
Bayles	Karen	3025 Quail Rd	Escondido	92026
Murray	Susan	26965 Paradise Mountain Ln	Valley Center	92082
Quintana	Penelope	777 Santa Victoria	Solana Beach	92075
Barbour	Tani	471 Lado De Loma Dr	Vista	92083
Grauso Herman	Lorraine	3523 Caminito Sierra Unit 202	Carlsbad	92009
Hogan	David	PO Box 141	Mount Laguna	91948
Jamadar	Rustom	10909 Bonjon Ln	San Diego	92131
Schaibly	John	6659 Edmonton Ave	San Diego	92122
Kohler	Robin	4015 Haines St Apt 10	San Diego	92109
Lux	Susan	1362 Evergreen Dr	Cardiff	92007
Hunter	Ruth	38540 Harris Trl	Fallbrook	92028
Sommer	Linda	11013 Caminito Alegra	San Diego	92131
Grubb	David	2233 Manchester Ave Apt 1	Cardiff	92007
Tupper	Gail	26555 N Lake Wohlford Rd	Valley Center	92082
Muehlner	Beverly	1616 Filaree Ct	Carlsbad	92011
Roberts	Samuel	641 N Vulcan Ave Apt 205	Encinitas	92024
Shanske	Donna	475 Redwood St Unit 310	San Diego	92103
Clyne	Marjory	4969 Paguera Ct	San Diego	92124
Jacob	Janel	12265 Rue Cheaumont	San Diego	92131
Gudmundsson	Gunnar	724 La Mirada Ave	Encinitas	92024
Rammon	Lorna	906 La Fiesta Ln	San Marcos	92078
Sanfilippo	Valerie	3246 Ashford St Unit M	San Diego	92111
Potts	Stephen	3336 Caminito Eastbluff Unit 152	La Jolla	92037
Walker	Donald	1733 Brighton Hill Ct	San Marcos	92078
Oberlin	David	2619 Fallsview Rd	San Marcos	92078
Frye	Donna	3907 Mount Everest Blvd	San Diego	92111
Campo	Peter	13614 Janette Ln	Poway	92064
Smith	Wilbur	3126 Old Kettle Rd	San Diego	92111
Gittelsohn	Alberta	511 11th St	Del Mar	92014
Charlson	Laila	3808 Vista Campana S Unit 40	Oceanside	92057
Cooper	Norma	1420 Rolling Hills Dr	Oceanside	92056

Villegas	Carolee	1324 Shadow Hills Ct	San Marcos	92069
Bisconer	Ingeborg	1561 Summit Ave	Cardiff	92007
Thielien	Joseph	2336 E Glenoaks Blvd	Glendale	91206
Gould	Steven	5065 Manor Ridge Ln	San Diego	92130
Bentz	William	706 Hilo Way	Vista	92081
Peabody	Julian	1408 Graham St	San Diego	92109
Plumb	Shelley	5952 Scripps St	San Diego	92122
Middleton	D Jessica	4482 Benhurst Ave	San Diego	92122
Maunder	Gwendolyn	9816 Caminito Bolsa	San Diego	92129
Huntsman	Carol	2750 Wheatstone St Spc 30	San Diego	92111
Cameron	Stephen	1050 Crest Dr	Encinitas	92024
Brooks	Kathleen	2211 Oxford Ave	Cardiff	92007
Shopes	Elizabeth	14104 Bahama Cv	Del Mar	92014
Courser	George	3214 San Helena Dr	Oceanside	92056
Uyesugi	Karen	618 Rolling Hills Rd	Vista	92081
Heatherington	Pamela	16973 Hierba Dr	San Diego	92128
Jefferson	Mary	12064 Caminito Ryone	San Diego	92128
Woodruff	Danah	4185 Huerfano Ave	San Diego	92117
Blumenschein	Stephan	4516 Nido Ln	San Diego	92117
Wright	Miriam	4842 Gallatin Way	San Diego	92117
Stewart	Katherine	2750 Wheatstone St Spc 102	San Diego	92111
Henze	Martha	8437 Rumson Dr	Santee	92071
Branch	Carol	7170 Rock Valley Ct	San Diego	92122
Kovelman	Robert	5527 Beaumont Ave	La Jolla	92037
Carroll	Candace	1939 Via Casa Alta	La Jolla	92037
Staley	Donna	4225 Tambor Ct	San Diego	92124
Burkhard	Walter	13645 Pine Needles Dr	Del Mar	92014
Mohns	Lynn	718 Hoska Dr	Del Mar	92014
Patch	Marianne	3725 Jemez Dr	San Diego	92117
Twist	Dulce	5631 Tortuga Ct	San Diego	92124
Cogan	Mary Jo	11145 Calle Dario	San Diego	92126
Wilkinson	Judie	3090 Jefferson St Apt K3	Carlsbad	92008
Sack	Ursula	2392 Vista Grande Ter	Vista	92084
Robertson	Curtis	736 Lochwood Pl	Escondido	92026
Richardson	Pamela	5446 Foxhound Way	San Diego	92130
Miller	Christine	16905 Silver Pine Rd	San Diego	92127
Volk	Roger	7213 Eagle Mountain Rd	Bonsall	92003
Moore	Erin	6521 Forum St	San Diego	92111
Selverston	Sylvia	6862 Thornwood St	San Diego	92111
Patrick	Shirley	3179 Driscoll Dr	San Diego	92117
Sorenson	Suellen	5353 Caminito Velasquez	San Diego	92124
Hoey	Kenway	6141 Agee St	San Diego	92122
Dallas	Wendy	5281 Setting Sun Way	San Diego	92121

Van Orden	Karl	14865 Summerbreeze Way	San Diego	92128
Smarr	Janet	1397 Caminito Halago	La Jolla	92037
Mc Cormack	Grace	8155 Paseo Del Ocaso	La Jolla	92037
Miller	William	639 Glenmont Dr	Solana Beach	92075
Dannecker	Michelle	13786 Paseo Cevera	San Diego	92129
Bozym	Margaret	12956 Sunderland St	Poway	92064
Mildice	Dorothy	12505 Birch Bluff Pl	San Diego	92131
Robbins	Lou-Ellen	3203 Caminito Eastbluff Unit 1	La Jolla	92037
Prendergast	Sally	3521 Fortuna Ranch Rd	Encinitas	92024
Halliday	Dana	1932 Lahoud Dr	Cardiff	92007
Anderson	Carla	1929 Circle Park Ln	Encinitas	92024
Simons	Anita	2217 Caminito Preciosa Sur	La Jolla	92037
Zechman	Joseph	1885 Diamond St Unit 2-103	San Diego	92109
Crabb	Marisela	10669 Haven Brook Pl	San Diego	92130
Francisco	Trish	10490 Bedfont Cir	San Diego	92126
Carroll	Eamon	5609 Ashland Ave	San Diego	92120
Behar	Melissa	4747 Mount Saint Helens Way	San Diego	92117
Skopek	Judith	1726 York View Cir	Vista	92084
Bowman	Candice	3655 Newcrest Pt	San Diego	92130
Anke	Lee	1625 Thibodo Rd	Vista	92081
Lytle	Mary	3744 Mount Blackburn Ave	San Diego	92111
Wolf	Jennifer	13388 Tiverton Rd	San Diego	92130
Galka	Monique	3340 Galloway Dr	San Diego	92122
Lebowitz	Kira	5414 Bothe Ave	San Diego	92122
Densmore	Stephanie	5417 Candlelight Dr	La Jolla	92037
Weiner	Martha	14315 Mango Cv	Del Mar	92014
Cooper	Shirley	17420 Plaza Otonal	San Diego	92128
Lichtenstein	Gregg	12265 Rue Cheaumont	San Diego	92131
Martin	James	1730 W Country Club Ln	Escondido	92026
Jucha	Scott	9110 Judicial Dr Unit 8501	San Diego	92122
Sellers	Charles	8905 Oviedo St	San Diego	92129
Emerson	Beverly	12295 Misty Blue Ct	San Diego	92131
Pickett	Richard	3090 Jefferson St Apt F2	Carlsbad	92008
Parrish	Carolyn	1411 Torrey Pines Rd	La Jolla	92037
Magulac	Mark	15910 Sarah Ridge Rd	San Diego	92127
Boring	Marsha	575 Pointing Rock Dr	Borrego Springs	92004
Mitton	Stephen	8834 Heraldry St	San Diego	92123
Judith	Naomi	17423 Plaza Dolores	San Diego	92128
Chatten-Brown	Jan	322 Bird Rock Ave	La Jolla	92037
Brown	Jack	322 Bird Rock Ave	La Jolla	92037
Novak	Kareen	1415 Wilbur Ave	San Diego	92109
Berry	Charles	1731 Beryl St	San Diego	92109
Sledzinksi	Ted	5386 Via Alcazar	San Diego	92111

Roleson	William	14938 Amso St	Poway	92064
Michaels	Michele	7638 Palmilla Dr Unit 117	San Diego	92122
Fife	James	9925 Paseo Montril	San Diego	92129
Bartley	Barbara	11349 Avenida De Los Lobos Apt D	San Diego	92127
Sapp	Ranford	16925 Hierba Dr Apt 320	San Diego	92128
Nolan	Karla	13037 Corona Way # 261	Poway	92064
Chenevey	Elke	3205 Rim Rock Cir	Encinitas	92024
Lauer	Martha	1885 Diamond St # 130	San Diego	92109
Norgren	Marybeth	13964 Boquita Dr	Del Mar	92014
Morhange	Beverly	8614 Villa La Jolla Dr Unit 1	La Jolla	92037
Spear	Liana	PO Box 9223	Rcho Santa Fe	92067
Krug	Ann Marie	5404 Balboa Arms Dr Unit 362	San Diego	92117
Brust	Beth	3940 La Jolla Village Dr	La Jolla	92037
Stockwell	Sarah	3747 Cascade Ct	San Diego	92122
Snodgrass	Vincent	263 Del Mar Ave	Chula Vista	91910
Hudspeth	Marie	11129 Saunders Ct	San Diego	92131
Mitrosky	Micah	1732 Oliver Ave # 1	San Diego	92109
Forman	Jack	4165 Porte De Palmas Unit 195	San Diego	92122
Seybold	Marjorie	7936 Calle De La Plata	La Jolla	92037
Simon	Leonard	1939 Via Casa Alta	La Jolla	92037
Mulcahy	Linda	5532 Bellevue Ave	La Jolla	92037
Tate-Mayeski	Dolores	11138 1/2 Portobelo Dr	San Diego	92124
Mein	Carolyn	12911 Caminito En Flor	Del Mar	92014
Turecek	Nancy	825 Ensenada Ct	San Diego	92109
La Cava	Joseph	5274 La Jolla Blvd	La Jolla	92037
Georgiev	Maria	5635 Guincho Ct	San Diego	92124
Christensen	Janellen	4599 Via Palabra	San Diego	92124
Jeffery	Patricia	10963 Swansea Pl	San Diego	92126
Nichols	Marla	6338 Mount Ainsworth Way	San Diego	92111
Jaynes	R Diane	4034 Crown Point Dr	San Diego	92109
Roth	Kathleen	5355 Rim View Way	San Diego	92124
Rebold	Susan	13415 Sutter Mill Rd	Poway	92064
Newhouse	Michael	422 Canyon Dr	Solana Beach	92075
Waller	Bob	11255 Caminito Inocenta	San Diego	92126
Pincus	Robert	12555 El Camino Real Unit D	San Diego	92130
Simpson	Thomas	11360 Camino Playa Cancun Unit 2	San Diego	92124
Jackson	Craig	5931 Seacrest View Rd	San Diego	92121
Bruff	Beverly	9026 Rohr Pl	San Diego	92123
Melgun	Carla	3096 E Fox Run Way	San Diego	92111
Cole	John	10645 Caminito Duro	San Diego	92126
Hrycyszyn	Pat	5190 Abuela Dr	San Diego	92124
Norris	Teresa	13025 Via Del Toro	Poway	92064
Haderlein	Kathleen	3299 Villanova Ave	San Diego	92122

Ticho	Harold	8515 Costa Verde Blvd Unit 754	San Diego	92122
Perry	Jacquelin	6661 Michaeljohn Dr	La Jolla	92037
Propp	William	5929 La Jolla Hermosa Ave	La Jolla	92037
Mayeski	Simon	11138 1/2 Portobelo Dr	San Diego	92124
Hichborn	Sara	13606 Jadestone Way	San Diego	92130
Johns	Gordon	621 N Granados Ave	Solana Beach	92075
Gronborg	Irina	424 Dell Ct	Solana Beach	92075
Vacca	William	4719 Monongahela St	San Diego	92117
Firkins	Arlene	12023 Cotorro Way	San Diego	92128
Schubert	Clare	8513 Summerdale Rd Apt 307	San Diego	92126
Watson	William	11333 Linares St	San Diego	92129
Durkin	Michael	12890 Caminito Beso	San Diego	92130
Assaf	Nancy	326 Mesa Way	La Jolla	92037
Jones	Helen	951 Stratford Dr # 1/2	Encinitas	92024
O'Leary Carey	Catherine	17696 Cumana Ter	San Diego	92128
Nyhan	William	1825 Spindrift Dr	La Jolla	92037
George	Robert	5714 Waverly Ave	La Jolla	92037
Seebold	Stephen	722 Hornblend St	San Diego	92109
Thomas	Katrina	4159 Nemaha Dr	San Diego	92117
Mill	Martin	4244 Mount Hukee Ave	San Diego	92117
Nakamura	Vicki	17252 Prado Rd	San Diego	92128
Merrick	Roy	4480 Ocean Valley Ln	San Diego	92130
Sakoi	Alan	PO Box 720667	San Diego	92172
Lonac	Paul	5297 Timber Branch Way	San Diego	92130
Price	Jennifer	4578 Vista De La Patria	Del Mar	92014
Engler	Randall	220 Rosebay Dr	Encinitas	92024
Balch	Earl	838 San Luis Rey Pl	San Diego	92109
Kogan	Stephanie	14530 CARLA CALLE	Rancho Santa Fe	92067
Renaud	Michelle	8620 Via Mallorca Apt D	La Jolla	92037
Parris	Evelyn	12535 Perla Ct	San Diego	92128
Molinski	Tadeusz	730 Fern Gln	La Jolla	92037
Phung	Erica	6161 Caminito Baeza	San Diego	92122
Lorang	Philip	5356 Jazmin Ct	San Diego	92124
Fritz	Niall	13295 Old Sycamore Dr	San Diego	92128
Emery	Ellen	14008 Mazatlan Way	Poway	92064
Moossa	Claudine	2228 Eastridge Ln	Escondido	92026
Levine	Judith	12391 Fairway Pointe Row	San Diego	92128
Wood	Stevan	7717 Laramie Ct	San Diego	92120
Friedrich	Jim	7853 Topaz Lake Ave	San Diego	92119
Stone	Donna	4143 Andros Way	Oceanside	92056
Chipkin	Jason	9869 Cielo Vis	Escondido	92026
Huneke	Diane	8425 Christopher Ridge Ter	San Diego	92127
Hinkle	Phillip	3131 Cowley Way Apt 245	San Diego	92117

Sandore	Susan	PO BOX 1100	Escondido	92033
Brown	Valin	5544 Lone Star Dr	San Diego	92120
Mahgoub	Claire	4921 Brighton Ave Apt 4	San Diego	92107
Brown	Laurene	269 Peckham Pl	Encinitas	92024
McMahon	Mike	2645 Sutter St	Carlsbad	92010
Anderson	Susan	1781 Jamacha Rd	El Cajon	92019
Firmin	Jennifer	12732 Camino Emparrado	San Diego	92128
Bobele	Merrill	350 11th Ave Unit 224	San Diego	92101
Herman	Randy	1007 Saint Albans Pl	Encinitas	92024
Argent	Linda	4747 Oak Crest Rd Spc 49	Fallbrook	92028
Tripp	Marilyn	11290 Corte Playa Corona	San Diego	92124
Fitzgerald	Barbara	16654 Diaz Dr	San Diego	92128
Welty	Dolores	2076 Sheridan Rd	Encinitas	92024
Ehrlich	Debra	6867 Adolphia Dr	Carlsbad	92011
Irvin	Christina	1238 Blue Sky Dr	Cardiff	92007
Withers	Carol	4640 Altadena Ave	San Diego	92115
Trautman	David	3925 Holly Brae Ln	Carlsbad	92008
Schneider	Alan	8515 C V Blvd Unit 1802	San Diego	92122
Carr	Anna	180 Sierra Vista Dr	El Cajon	92021
Smith	Shannon	7711 Hillside Dr	La Jolla	92037
Fell	Joyce	12062 Calle De Medio Unit 148	El Cajon	92019
Knop	Nancy	114 C Ave Ste 125-341	Coronado	92118
Sramek	Frederick	6650 Seaman St	San Diego	92120
Ruff	Melanie	7258 San Luis St	Carlsbad	92011
Citron	Glenna	4915 Refugio Ave	Carlsbad	92008
Behrman	Annette	8531 Fensmuir St	San Diego	92123
Pullan	Jodi	454 Requeza St Apt 307A	Encinitas	92024
Schechter	Steve	764 Corinia Ct	Encinitas	92024
Cohn	Kim	5219 Mount Alifan Dr	San Diego	92111
Randel	Amy	646 Gravilla St	La Jolla	92037
Rosselle	Beth	6430 Torreyanna Cir	Carlsbad	92011
Young	Peter	591 Paseo Burga	Chula Vista	91910
Kemp	Laura	130 Ohlone Ct	Los Gatos	95032
Rush	Robin	2307 Kyanite Pl	Carlsbad	92009
Rusch	Erik	4676 Voltaire St	San Diego	92107
Young	Joy	4438 Cape May Ave	San Diego	92107
Uhler	Kurt	2136 Ensenada St	Lemon Grove	91945
Ball	Betty	2463 Dulzura Ave	San Diego	92104
Thompson	Mary	3755 33rd St Apt 4	San Diego	92104
Hintzman	Janet	6403 Estelle St	San Diego	92115
Stantz	Gary	4570 Rhode Island St	San Diego	92116
Clausen	Suzan	3155 2nd Ave	San Diego	92103
Dolasinski	Joan	8831 Castle Brook Ct	Lakeside	92040

Bartlett	Sally	1057 Sage Vw	Chula Vista	91910
Poist	Philip	15520 Lawson Valley Rd	Jamul	91935
Rockwood	Patricia	23855 Japatul Valley Rd	Alpine	91901
Gommel	Christine	3548 Granada Ave	San Diego	92104
Hawkins	Angela	1036 Devonshire Dr	San Diego	92107
Dutton	Janet	4019 Narragansett Ave	San Diego	92107
Moore	Mary Jane	6145 Broadmoor Dr	La Mesa	91942
Martin	Judith	1085 Pepper Dr	El Cajon	92021
Costa	Jean	7661 Loma Vista Dr	La Mesa	91942
Tuchrello	Anita	370 Rosecrans St Apt 102	San Diego	92106
Buckley	Susan	6818 51st St	San Diego	92120
Hough	Thomas	8357 Gold Coast Dr Unit 7	San Diego	92126
Sohn	Margaret	4476 35th St	San Diego	92116
Holcomb	Donald	2301 Orchard Ave	El Cajon	92019
Santana	Frank	4346 Campus Ave Unit 103	San Diego	92103
Krier	Joseph	16615 Lawson Valley Rd	Jamul	91935
Sachs	Bruce	2338 Valley Mill Rd	El Cajon	92020
Elmore	Molly	10934 Sunray Pl	La Mesa	91941
Cregg	James	9823 Ivy St	Spring Valley	91977
Olafson	Kristen	9388 Crest Dr	Spring Valley	91977
Crosby	Keith	5885 Samuel St	La Mesa	91942
Lytle	Barbara	10339 Madrid Way	Spring Valley	91977
Williams	Duncan	6406 Friars Rd Unit 331	San Diego	92108
Fehlberg	Deborah	4143 Cortez Way	Spring Valley	91977
Brazier	David	3773 Hidden Ridge Rd	Jamul	91935
Mack	Callie	8529 Jackie Dr	San Diego	92119
Johnston	Gabriela	3044 B St	San Diego	92102
Marwood	Frank	3812 Park Blvd Unit 414	San Diego	92103
Sherman	Beth	4436 Louisiana St Apt 4	San Diego	92116
Agueda	Debra	PO Box 462844	Escondido	92046
Iki	Tina	3133 Quiet Hills Dr	Escondido	92029
McCarthy	Ellen	4715 Lofty Grove Dr	Oceanside	92056
Harrod	Florence	139 Cerro St	Encinitas	92024
Rooks	James	755 Leeward Ave	San Marcos	92078
Mead	Ruth Ann	276 N El Camino Real Spc 86	Oceanside	92058
Johnstone	Jeanne	PO Box 2580	Borrego Springs	92004
Castle	Elizabeth	3517 Chauncey Rd	Oceanside	92056
Seavey	Andrea	1937 Alexander Dr	Escondido	92025
Fincke	William	1341 Cary Way	San Diego	92109
Byrd	Julie	2305 N Harbor Blvd Apt 204	Fullerton	92835
Denning-Mailloux	D	30016 Disney Ln	Vista	92084
Woods	Frank	1930 W San Marcos Blvd Spc 91	San Marcos	92078
Forster	Ronald	744 Quiet Hills Farm Rd	Escondido	92029

Graff	David	1850 Skyhill Pl	Escondido	92026
Miller	Richard	8304 Clrmt Msa Blvd Ste 101	San Diego	92111
Daniel	Pamela	6321 Caminito Del Pastel	San Diego	92111
Thurman	Dorothy	2021 Willow Glen Rd	Fallbrook	92028
Tapley	Mildred	364 Charles Swisher Ct	Fallbrook	92028
Schrell	Johann	2530 San Joaquin Ct	San Diego	92109
Buchta	Jane	3132 Pasternack Pl	San Diego	92123
Meier	Rita	1300 Ocean Ave	Del Mar	92014
Jaret	Dr Leroy R	5323 Westknoll Dr	San Diego	92109
Knight	Deborah	6804 Fisk Ave	San Diego	92122
Goreham	Roxanna	1702 Soledad Ave	La Jolla	92037
Burian-Baldwin	Cheryl	6572 Cascade St	San Diego	92122
Liebig	Richard	710 N Granados Ave	Solana Beach	92075
Wessel	Dana	179 2nd Ave	Chula Vista	91910
Raphael	Joan	10514 Ponder Way	San Diego	92126
Ginand	Sherri	2561 Meadow Lark Dr	San Diego	92123
Thomas	Peter	11098 Via Temprano	San Diego	92124
Norberg	Karin	4426 Donald Ave	San Diego	92117
Wolf	Elaine	5542 Soledad Mountain Rd	La Jolla	92037
Sacchetti	Cynthia	3615 Monair Dr Unit C	San Diego	92117
Preyer	Bernard	3795 Via Vuelta	Rancho Santa Fe	92091
Millspaugh	Dick	13971 Amber Pl	San Diego	92130
Gordon	Kathleen	2217 Alta Vista Dr	Vista	92084
Bleha	Patricia	3209 Fosca St	Carlsbad	92009
Mc Kinnon	Nancy	10011 Vista La Cuesta Ct	San Diego	92131
Farwell	Cynthia	12559 Caminito Mira Del Mar	San Diego	92130
Maddox	Thomas	7257 Dunemere Dr	La Jolla	92037
Sarff	Janet	3661 Alexia Pl	San Diego	92116
Clark	J	7257 Dunemere Dr	La Jolla	92037
Siva	Amara	11236 Woodrush Ln	San Diego	92128
Reldan	Jane	467 Coast Blvd	La Jolla	92037
Tarsia	Cassina	417 S Barnwell St	Oceanside	92054
Hahn	Judith	3132 E Fox Run Way	San Diego	92111
Shabell	Kenneth	8860 Villa La Jolla Dr Unit 303	La Jolla	92037
Goodwillie	Heather	8331 High Winds Way	San Diego	92120
Lord	Brian	PO Box 2251	El Cajon	92021
Wootton	Cynthia	7256 Jackson Dr	San Diego	92119
Stoneback	George	9657 Galatea Ln # 0	Escondido	92026
Martinez Di Bene	Carmen	13729 Ricks Ranch Rd	Valley Center	92082
Fields	Sandra	3985 Wabaska Dr Apt 20	San Diego	92107
Roskos	Carol	4434 Felton St	San Diego	92116
Ward	Christina	3641 29th St	San Diego	92104
Cooper	Anne	2106 Felton St	San Diego	92104

Robertson	Richard	2316 Caddie Ct	Oceanside	92056
Colton	Robert	1621 Hotel Cir S Unit E316	San Diego	92108
Estrada	Amador	1915 Rue Chateau	Chula Vista	91913
Riley	Marilyn	2372 Orchard Ave	El Cajon	92019
White	Laura	8844 Valencia St	Spring Valley	91977
Denoble	Amy	12384 Via Hacienda	El Cajon	92019
Brown	Marilyn	1101 1st St Unit 108	Coronado	92118
Reisner	Danute	268 Surfview Ct	Del Mar	92014
Snider	Robert	9477 Ronnie Ct	Santee	92071
Carraway	Willis	3759 7th Ave	San Diego	92103
Drew	Pamela	PO BOX 171	Cardiff	92007
Salazar	Priscilla	1700 Rolling Hills Dr	Fullerton	92835
Corona	Kathleen	1020 Silver Springs Pl	Escondido	92026
Beyer	Joseph	5423 W Lilac Rd	Bonsall	92003
Marelli	Madhuri	4324 Black Duck Way	Oceanside	92057
Aardema	Ladene	15777 Paseo Penasco	Escondido	92025
Taylor	Timothy	3446 Arizona St	San Diego	92104
Jen	Elizabeth	11970 Thomas Hayes Ln	San Diego	92126
Kitrosser	Brenda	4050 Lemnos Way	Oceanside	92056
Gudmundsson	Scarlett	724 La Mirada Ave	Encinitas	92024
Williams	Lynne	4968 Lamia Way	Oceanside	92056
Blumberg	Katherine	994 Woodgrove Dr	Cardiff	92007
Chereskin	Valerie	1364 Calle Christopher	Encinitas	92024
Witte	Stephanie	416 Compass Rd	Oceanside	92054
Hall	Sharon	3621 Vista Campana S Unit 17	Oceanside	92057
Jemielita	Maria	2340 Carol View Dr Apt 302	Cardiff	92007
Heald	Amy	1722 Medinah Rd	San Marcos	92069
White	Douglas	11775 Semillon Blvd	San Diego	92131
Morningstar	Stephanie	897 Wandering Rd Apt 12	Vista	92081
Barbee	Maryann	5077 Milos Way	Oceanside	92056
Grace	Dana	335 Pine Ave	Carlsbad	92008
Thompson	Kevin	3560 Adams St	Carlsbad	92008
Chick	Jeanne	360 Salina Ct	Vista	92083
Jones	Nannette	2611 Via Bocas	Carlsbad	92010
Grant	Donna	376 Juniper Ave Apt 2	Carlsbad	92008
Ehlers	Bruce	934 Olive Crest Dr	Encinitas	92024
Thompson	Clelis	4326 Los Padres Dr	Fallbrook	92028
Stangl	Lynne	442 Canyon Dr Apt 7	Oceanside	92054
Carter	Susan	356 Camino Parque	Oceanside	92057
Snyder	Marie	5303 Triple Crown Dr	Bonsall	92003
Steffen	Walter	833 Daisy St	Escondido	92027
Nelson	Mary	952 Park Hill Dr	Escondido	92025
Kurtz	Carolyn	31010 Stardust Ln	Valley Center	92082

Strate	Camille	28320 Serenity Path	Valley Center	92082
Keenan	John	935 Tularosa Ln	San Marcos	92078
Beeler	Gary	2943 Overland Trl	Fallbrook	92028
Hunter	Laura	744 Quiet Hills Farm Rd	Escondido	92029
Gallina	Monica	PO Box 1022	Julian	92036
Shurin	Susan	4251 Sierra Vis	San Diego	92103
Sloane	Judith	12852 Superior Hollow Rd	Valley Center	92082
Foster	Stacey	1132 Amador Ave	Vista	92083
Sipe	Laurette	4028 Dalles Ave	San Diego	92117
Cunningham	Nancy	6435 Dowling Dr # 2265	La Jolla	92037
Oster	Karen	11541 Windy Ridge Way	San Diego	92126
Spear	Frances	14617 Merritt Park Ln	Poway	92064
Pratt	Carol	12401 Grainwood Way	San Diego	92131
Smith	Michael	894 Candlelight Pl	La Jolla	92037
Covici	Anna	5929 La Jolla Hermosa Ave	La Jolla	92037
Lloyd	Jon	11606 Caminito Magnifica	San Diego	92131
Honeycutt	Deborah	10855 Canarywood Ct	San Diego	92131
Vernon	Gerald	12633 El Camino Real Apt 3205	San Diego	92130
Miles	Luther	601 Arcadia Pl Unit 421	National City	91950
Landon	Alex	PO Box 9414	Rancho Santa Fe	92067
Messina	Anthony	1930 W San Marcos Blvd Spc 68	San Marcos	92078
Collins	Maria	2114 Palo Alto Dr Unit 88	Chula Vista	91914
Wolf	Carol	237 W I St	Encinitas	92024
Ficklin	Vickie	3256 Karok Ave	San Diego	92117
Jalving	Linda	4431 Donald Ave	San Diego	92117
Van Norman	Robert	5259 Mount Alifan Dr	San Diego	92111
Brown	Hella	5456 Pire Ave	San Diego	92122
Ollinger	Sylvia	9050 Flanders Dr	San Diego	92126
Willis	Anna	1426 Pegaso St	Encinitas	92024
Standerfer	Harold	2363 Carolyn Pl	Encinitas	92024
Sugihara	Joan	13073 Via Latina	Del Mar	92014
Wagner	Linda	3245 Moccasin Ave	San Diego	92117
Woeber	Lisa	842 Summersong Ct	Encinitas	92024
McNea	Randy	3387 Chicago St	San Diego	92117
Lorton	Erik	3436 29th St	San Diego	92104
Hawkins	James	3233 Wellesly Ave	San Diego	92122
Murnane	Sharon	10498 Burrell Way	Descanso	91916
Baldwin	Stephen	3591 Cameo Dr Unit 9	Oceanside	92056
Bork	Dorothy	10422 Sierra Vista Ave	La Mesa	91941
Murphy	Una	2411 Paseo Monte	Fallbrook	92028
Cane	M	699 Eaton St Apt 9	Oceanside	92054
Kay	Isabelle	3163 Evening Way Unit A	La Jolla	92037
Kittredge	Dan	7620 Eastridge Dr	La Mesa	91941

Christie	Vanessa	4078 Stephens St	San Diego	92103
Hollywood	Jacqueline	10704 Fuerte Dr	La Mesa	91941
Whipple	Melissa	5404 Fontaine St	San Diego	92120
Erman	Sarah	3340 Del Sol Blvd Spc 195	San Diego	92154
Rubalcava	Bernardo	1425 2nd Ave Spc 200	Chula Vista	91911
Luranc	Timothy	7527 Crary St	La Mesa	91942
Block	David	4924 Vista Arroyo	La Mesa	91941
Ruth	Doug	8590 Dallas St	La Mesa	91942
Midkiff	Derek	525 C St Apt 404	San Diego	92101
Debeer	Kacey	2806 La Duela Ln	Carlsbad	92009
Pryds	Darleen	1729 Calle Platico	Oceanside	92056
Martin	Margaret	1011 Chinquapin Ave Apt D	Carlsbad	92008
Myers	Suzette	13550 Russet Leaf Ln	San Diego	92129
Farnand	Sheila	449 K Q Ranch Rd	Julian	92036
Zuverink	Timothy	822 Abalone Point Way	Oceanside	92058
Dilley	Lori	2375 Lagoon View Dr	Cardiff	92007
Townsend	Alan	555 Front St Unit 305	San Diego	92101
Opis	Scott	1841 Myrtle Ave	San Diego	92103
Kaye	Evelyn	2635 2nd Ave Apt 302	San Diego	92103
Ardon	Troy	3790 Florida St Unit A104	San Diego	92104
Bauer	Mary	4519 Pescadero Ave	San Diego	92107
Lynch	Ellie	5260 Remington Rd	San Diego	92115
Kavanaugh	Nancy	5412 Drover Dr	San Diego	92115
Mudge	Anne	3425 Alta Vista Dr	Fallbrook	92028
Wingfield	Dianne	3203 Vista Diego Rd	Jamul	91935
Leoff	Janna	11419 Matinal Cir	San Diego	92127
Moran	Charlene	12706 Creekview Dr Unit 152	San Diego	92128
Lloyd	Marsha	12824 Corte Arauco	San Diego	92128
Fair	Madeleine	320 Hestia Way	Encinitas	92024
Rosengarten	Roxanne	10341 Muchacha Way	San Diego	92124
Page	Carolyn	4925 Maynard St	San Diego	92122
Lyndon	Kelly	6505 Calgary Ct	San Diego	92122
Henton	Marjorie	7450 Olivetas Ave # 366	La Jolla	92037
Felitti	Vincent	464 Prospect St	La Jolla	92037
Grand	Robert	2372 Orchard Ave	El Cajon	92019
Weishaar	Gary	3122 Skipper St	San Diego	92123
Gabrelian	Gevork	2498 Adams Ave	San Diego	92116
Eckmiller	Marion	2930 Cowley Way Unit 208	San Diego	92117
Conklin	Erik	PO BOX 131221	Carlsbad	92013
Folkman	Jason	3005 Boundary St	San Diego	92104
Gallardo Gower	Maria	200 Via Las Brisas	San Marcos	92069
Robbins	Kathlyn	3875 Billman St	San Diego	92115
Oneil	Patrick	3324 Harbor View Dr	San Diego	92106

Widgerow	Davin	1551 4th Ave Unit 510	San Diego	92101
Mana	Wafa	701 Hillside Ter Apt 4	Vista	92084
Kozo	Thomas	1322 Buena Vista Ave	Spring Valley	91977
Van Note	Matthew	1620 Granada Ave # A	San Diego	92102
Deguide	Susan	10726 Caminito Cascara	San Diego	92108
Baum	Peter	4663 Santa Cruz Ave	San Diego	92107
Davidson	Krista	8131 Elston Pl	San Diego	92126
Imhoff	Michael	7033 Glenflora Ave	San Diego	92119
Bays	Christina	900 N Cleveland St Spc 40	Oceanside	92054
Backo	Elizabeth	2335 Brookhaven Pass	Vista	92081
Sweeney	Alan	1441 San Pablo Dr	San Marcos	92078
Vesterfelt	Rebecca	1205 Pacific Hwy Unit 2101	San Diego	92101
Presson	Pauline	5037 Palm Point Ct	San Diego	92117
Vourlas	William	2138 Dale St	San Diego	92104
Hanmer	Gahan	16478 Old Guejito Grade Rd Spc 3	Escondido	92027
Friedrichs	Karen	1545 Everview Rd	San Diego	92110
Wasserman	Laurie	3730 Arnold Ave	San Diego	92104
Robertson	Carol	3315 Chamoune Ave	San Diego	92105
Smith	Thomas	3230 52nd St	San Diego	92105
Charvat	Jan	573 Anderson Rd	Alpine	91901
Compher	Margaret	10148 Cedar Springs Dr	Santee	92071
Ozanich	Katherine	6121 Waverly Ave	La Jolla	92037
Reynolds	Judith	5918 Joel Ln	La Mesa	91942
Breite	Roni	7689 Volclay Dr	San Diego	92119
Vancelette	David	2113 Sun Valley Rd	San Marcos	92078
Hoppe	Anne	2440 McDougal Pl	Alpine	91901
Graham	Cynthia	9954 Via Francis	Santee	92071
Orahood	Don	31340 Cottontail Ln	Bonsall	92003
Nadal	Graham	8668 Villa La Jolla Dr Unit 4	La Jolla	92037
Gardiner	Teresa	4688 1/2 W Point Loma Blvd	San Diego	92107
Mc Elrath	Kay	3911 Falcon St	San Diego	92103
De La Cruz	Jennifer	11069 Scripps Ranch Blvd	San Diego	92131
Mech	Deborah	1758 Larkhaven Gln	Escondido	92026
Gunn	Joanna	4630 Natalie Dr	San Diego	92115
Hangsterfer	Alexandra	1757 1/2 Missouri St	San Diego	92109
Wright	Johanna	1071 Stratford Dr	Encinitas	92024
Bridges	Suzanne	3281 1st Ave	San Diego	92103
Deerfield	Nina	28580 Mountain Meadow Rd	Escondido	92026
MacLeod	Betsy	343 Idlewild Ln	Oceanside	92054
Scott	Bonnie	666 Upas St Unit 901	San Diego	92103
Quinlan	Barbara	3595 Caminito El Rincon Unit 194	San Diego	92130
Sanchez	Tami	17565 Highway 67	Ramona	92065
Lachicotte	Lillian	3731 Newcrest Pt	San Diego	92130

Parrish	Edward	1411 Torrey Pines Rd	La Jolla	92037
Donnelly	Mary	1439 Brookes Ave	San Diego	92103
Sanchez	Caridad	4300 Newton Ave Unit 109	San Diego	92113
Gay	Louise	910 Prescott Ave	El Cajon	92020
Brust	Paula	2111 Willowbrook St	Escondido	92029
Woodard	Stephanie	551 Hoover St	Oceanside	92054
Warner	Raymond	1131 San Dieguito Dr	Encinitas	92024
Dowdy	Helen	8601 Echo Dr	La Mesa	91941
Bennington	Shanna	1203 Neptune Ave	Encinitas	92024
Hansen	Kirsten	179 Millan St	Chula Vista	91910
Mulvey Romero	Jo	680 Gilbert Pl	Chula Vista	91910
Wiederhold	Renee	13201 Pageant Ave	San Diego	92129
Herlosky	Wendy	12237 Carmel Vista Rd Unit 162	San Diego	92130
Balser	Jane	3419 Hollyberry Dr	Vista	92084
Eckenroad	Coleen	1800 Guevara Rd	Carlsbad	92008
Harrison	Barbara	525 W El Norte Pkwy Spc 33	Escondido	92026
Boggs	Jerry	1120 Pepper Dr Spc 138	El Cajon	92021
De Haven	Barbara	3634 Marlesta Dr	San Diego	92111
Fleming	Kathleen	1004 Edgemont Pl	San Diego	92102
Pry	Marie	464 Calabrese St	Fallbrook	92028
Iavelli	Julie	18350 Spring Wagon Rd	Ramona	92065
Mac Robbie	Penelope	24403 Manzanita Dr	Descanso	91916
Ralph	Kenneth	2663 Sunset St	San Diego	92110
Ferguson	Catherine	5730 Gaines St Apt 5	San Diego	92110
Klug	Sharon	701 Kettner Blvd Unit 36	San Diego	92101
Kallenberg	Lisa	12910 Seabreeze Farms Dr	San Diego	92130
Munn Fess	Nancy	1616 Circa Del Lago Unit C101	San Marcos	92078
Wiesinger	Shirley	6611 Easy St	Carlsbad	92011
Tulving	S Elaine	3254 Wagon Rd	Borrego Springs	92004
McCoy	Patricia	132 Citrus Ave	Imperial Beach	91932
Nesbitt	Marcia	3011 Monarch St	San Diego	92123
Johansson	Chris	7465 Ashford Pl	San Diego	92111
Rigg	Alice	5335 Raspberry Way	Oceanside	92057
Fenwick	Heather	2736 Wightman St	San Diego	92104
Teincuff	Steven	8155 Medill Ave	El Cajon	92021
Eddy	Karen	3516 Mount Ariane Dr	San Diego	92111
Jirek	Michele	4680 Troy Ln	La Mesa	91942
Kerridge	Carol	334 El Amigo Rd	Del Mar	92014
Humphrey	Eugene	200 N El Camino Real Spc 320	Oceanside	92058
Nemeth	Katherine	4040 Hancock St Apt 1502	San Diego	92110
Newman	Lynne	15826 Big Springs Way	San Diego	92127
Fisher	Christine	6847 Parkside Ave	San Diego	92139
Patch	Natalia	1952 Sunset Cliffs Blvd	San Diego	92107

Thompson	Dorothy	11189 Kelowna Rd Apt 52	San Diego	92126
Baldwin	Peggy	3591 Cameo Dr Unit 9	Oceanside	92056
Hartzell	John	6960 Golfcrest Dr Unit B160	San Diego	92119
Lartch	Miles	360 Salina Ct	Vista	92083
Todd-Gher	Jaime	2009 Pintoresco Ct	Carlsbad	92009
Cooper	Gwendalle	PO Box 2006	La Mesa	91943
Hall	David	5197 Bluegrass Way	Oceanside	92057
Grebenar	Sandra	12928 Caminito Del Pasaje	Del Mar	92014
Verhoek	Margo	1818 Pentuckett Ave	San Diego	92104
Reeve	Sharon	4560 Garfield St	La Mesa	91941
Gillette	Todd	7845 Westside Dr Apt 323	San Diego	92108
Grossstrain	Lisa	17977 Pueblo Vista Ln	San Diego	92127
Fitzmaurice	Colleen	3927 Bernice Dr	San Diego	92107
Halpern	Joni	3518 Emerson St	San Diego	92106
Andersen	Elizabeth	4345 Middlesex Dr	San Diego	92116
Hatch	Erin	7053 Wandermere Dr	San Diego	92119
Andruss	Malcolm	3922 Peony Dr	Fallbrook	92028
Crouch	Dora	4282 Balboa Ave	San Diego	92117
Vashishta	Kiran	2777 Piantino Cir	San Diego	92108
Zavora	Rudy	153 Witham Rd	Encinitas	92024
Clark	Karen	17359 Bernardo Vista Dr	San Diego	92128
Manogue	Helen	8988 Gainsborough Ave	San Diego	92129
Hiestand	Carol	1001 S Hale Ave Spc 26	Escondido	92029
Ogan	Craig	3521 Paseo De Elenita Unit 167	Oceanside	92056
Swingle	George	12327 Santiago Rd E	San Diego	92128
Lynch	Carrie	26111 Matlin Rd	Ramona	92065
Hersi	Gass	5432 Bayview Heights Pl Apt 6	San Diego	92105
Opie	Michelle	5623 Bellevue Ave	La Jolla	92037
Courtright	Paul	17602 Marymont Pl	San Diego	92128
Fellows	Raejean	5260 Fiore Ter Apt 410	San Diego	92122
Yee	Alice	849 Coast Blvd	La Jolla	92037
Del Mastro	Anthony	17367 Plaza Maria	San Diego	92128
Kittredge	Constance	7620 Eastridge Dr	La Mesa	91941
Preyer	Daphne	3795 Via Vuelta	Rancho Santa Fe	92091
Flohr	Robert	7804 Rush Rose Dr	Carlsbad	92009
Kawcak	Tisha	1829 Alvarado St	Oceanside	92054
Block	Paula	4924 Vista Arroyo	La Mesa	91941
Thiel	Susan	2160 S Mission Rd	Fallbrook	92028
Hardwick	Nancy	554 Hidden Ridge Ct	Encinitas	92024
Thompson	Jennifer	3560 Adams St	Carlsbad	92008
Cohen	Susan	910 Parkwood Ave	Vista	92081
Clarke	Mary	2006 Trevino Ave	Oceanside	92056
Gale	Leonard	6494 Torreyanna Cir	Carlsbad	92011

Harty	Darlene	3502 Oak Cliff Dr	Fallbrook	92028
Mc Vicar	Michael	816 Sutter St Apt G	San Diego	92103
Simon	Alyse			
Lockowitz	Linda	1321 S Grade Rd	Alpine	91901
Costello	Laura	3390 Daley Center Dr Apt 108	San Diego	92123
Porter	Barbara	4605 Driftwood Cir	Carlsbad	92008
Steffen	Maureen	833 Daisy St	Escondido	92027
Watts	James	2664 Madison St	Carlsbad	92008
Kirby	Sara	4225 Porte De Merano Unit 98	San Diego	92122
Ellsworth	Danny	2862 Mimika Pl	San Diego	92111
Pierce	Frances	5375 El Noche Way	San Diego	92124
Zilinsky	Lora	5179 35th St	San Diego	92116
Rowe	Anthony	12739 Briarwood Pl	Poway	92064
Simpson	Carol	16503 Wilderness Rd	Poway	92064
Walton	Donna	12521 Rios Rd	San Diego	92128
Hamlin	Daniel	3224 Oliphant St	San Diego	92106
Eibeck	Yvonne	13199 Deron Ave	San Diego	92129
Rehkopf	Bayard	3960 Carmel Springs Way	San Diego	92130
Shannon	Michael	1772 Redondo St	San Diego	92107
Kelleher	Tamara	4719 Long Branch Ave	San Diego	92107
Shaw	Donna	1973 Seaview Ave	Del Mar	92014
Vickery	Kristine	8956 Revelstoke Ter	San Diego	92126
Brown	A	4967 Lillian St	San Diego	92110
Cortelyou	Pamela	4950 Northaven Ave	San Diego	92110
Stamon	Peggy	4380 Middlesex Dr	San Diego	92116
Yarowsky	Allen	3431 Park Blvd Apt 307	San Diego	92103
Aciro	Marilyn	4085 Hawk St	San Diego	92103
Cameron	Gina	4549 Mount Lindsey Pl	San Diego	92117
Barmeyer	Robert	3345 Xenophon St	San Diego	92106
La Londe	David	4545 Arizona St Apt 305	San Diego	92116
Janning	Katherine	538 Hibiscus Ct	Chula Vista	91911
Sweet	Ellen	1567 Vista Claridad	La Jolla	92037
Mc Cammon	Anne	1491 Caminito Diadema	La Jolla	92037
Pennick	Karen	9584 Upland St	Spring Valley	91977
Shuk	John	7632 El Paso St	La Mesa	91942
Snow	Richard	9734 Sierra Madre Rd	Spring Valley	91977
Homuth	Ronald	9721 Lamar St	Spring Valley	91977
Marquez	Martha	1235 Parker Pl Unit 3C	San Diego	92109
Kaplan	Vay	8832 Almond Rd	Lakeside	92040
Millsaps	Cynthia	9468 Palomino Ridge Dr	Lakeside	92040
Phillips	Carol	3566 Bentley Dr	Spring Valley	91977
Stevenson	Sean	4684 E Talmadge Dr	San Diego	92116
Finney	Marcia	10282 Pinecastle St	San Diego	92131

De Pasquale	Diane	4460 Campus Ave	San Diego	92116
Townsend	Mary	1531 C Ave	National City	91950
Peacock	Rhonda	3117 Mercer Ln	San Diego	92122
Rice	Ann	666 Upas St Unit 705	San Diego	92103
Pfau	Michael	3712 Haines St	San Diego	92109
Huneke	James	8425 Christopher Ridge Ter	San Diego	92127
Harrington	Karen	4752 Mount Royal Ave	San Diego	92117
Lucas	Dana	13402 Plumeria Way	San Diego	92130
Citeau	Helene	2252 Via Aprilia Unit 3	Del Mar	92014
Howell	Trudi	18655 W Bernardo Dr Apt 427	San Diego	92127
Roch Levecq	Anne-Catherine	317 Diamante Way	Oceanside	92056
Brambila	Oscar	PO Box 880292	San Diego	92168
Lisk	Delevan	9973 Grandview Dr	La Mesa	91941
Sullivan	Christine	3134 Occidental St	San Diego	92122
Roberts	Janett	623 E 9th Ave	Escondido	92025
Battaglia	Courtney	7143 Tanager Dr	Carlsbad	92011
Lovitt	Tony	3311 Caminito Eastbluff Unit 1	La Jolla	92037
Bailey	Dawn	3336 Mohican Ave	San Diego	92117
Bishop	Sean	3167 Landis St Apt 12	San Diego	92104
Walker	Eleanor	3667 Dearborn St	Oceanside	92057
Todd	Nancy	12712 Cmto Cancion Unit 120	San Diego	92128
Tucker	Wehtahnah	PO Box 1261	Cardiff	92007
Mauriello	Thomas	1230 Columbia St Ste 1140	San Diego	92101
Hatch	Patricia	7053 Wandermere Dr	San Diego	92119
Meyer	Joseph	10923 Via Abaca	San Diego	92126
Quick	Kerianne	6084 Meade Ave	San Diego	92115
Bentley	Craig	1039 Meade Ave	San Diego	92116
Koger	Patti	1957 Oxford Ave	Cardiff	92007
Etchells	Keith	1732 Oliver Ave # 1	San Diego	92109
Prendergast	Olivia	3521 Fortuna Ranch Rd	Encinitas	92024
Nickles	Shari			
Zagrodnik	Jean	5082 Hawley Blvd	San Diego	92116
Derr	Ian	8835 La Camesa St	San Diego	92129
Jeffries	Cynthia	11808 Glenhope Rd	San Diego	92128
Hapgood	Linda	644 Arenas St	La Jolla	92037
Shroyer	Deborah	12610 Portada Pl	San Diego	92130
Jones	Herschel	1561 San Elijo Ave	Cardiff	92007
Flagiello	Andrea	1404 Graham St	San Diego	92109
Butler	Simone	1974 Titus St	San Diego	92110
Kiran	Linda	7460 Pepita Way	La Jolla	92037
Donie-Seligson	Deborah	2292 Lindsay Dr	Carlsbad	92008
Geving	Joann	PO Box 130142	Carlsbad	92013
Weatherwax	Leigh	769 Ocean Crest Rd	Cardiff	92007

Clark	Steffani	466 Theta Gln	Escondido	92025
Oldenkamp	Irene	14740 Via Fiesta # 121	San Diego	92127
Stone	Colin	4990 Alicante Way	Oceanside	92056
Wilson	Trisha	849 Parsley Way	Oceanside	92057
Tenbrink	Victoria	1507 E Valley Pkwy Ste PM	Escondido	92027
Koller-Anes	Traudel	PO Box 881037	San Diego	92168
De Leon	Marta	4040 Hancock St Apt 1401	San Diego	92110
Baldwin	Matthew	3970 Idaho St Apt 8	San Diego	92104
Lazaro	Kim	18655 W Bernardo Dr Apt 279	San Diego	92127
Sullivan	Ellie	16851 Bellota Dr	San Diego	92128
Hansen	John	1364 Calle Christopher	Encinitas	92024
Barling	Lesley	PO Box 20543	El Cajon	92021
Gaul	Suzanne	486 Hawthorne Ave	El Cajon	92020
Johnston	Kim	3044 B St	San Diego	92102
Giancola	Veronica	300 Calle Rayo	San Marcos	92069
Shannon	Chris	1772 Redondo St	San Diego	92107
Zhang	Lilly	8342 Via Sonoma Unit A	La Jolla	92037
Miller	Mary	4118 Lymer Dr	San Diego	92116
Wendling	Lucille	5516 Dorothy Dr	San Diego	92115
De Mos	Carla	5705 Fallenwood Ln	San Diego	92121
Fattahipour	Elizabeth	8056 Camino Tranquilo	San Diego	92122
Maio	Stefanie	14864 Indian Peak Ln	Poway	92064
Baldwin	Verlin	310 Linda Way Apt 45	El Cajon	92020
Kurtz	Ellen	267 3rd Ave	Chula Vista	91910
Pierce	Danuska	1220 Emory St	Imperial Bch	91932
Beuchat	Linda	450 E Bradley Ave Spc 23	El Cajon	92021
Plummer	Gayle	3648 31st St	San Diego	92104
Chao	Mae	4993 Lassen Dr	Oceanside	92056
Trulock	Phyllis	5980 Dandridge Ln Unit 233	San Diego	92115
Krohn	Ronald	PO Box 407	Pauma Valley	92061
Grover	Joan	7121 Lantana Ter	Carlsbad	92011
Knorr	Birgit	210 Smoketree Ln	Julian	92036
Mead	Sue	266 G Ave	Coronado	92118
Abraham	Danielle	14561 Kent Hl	Poway	92064
Myrick	Leslie	711 Missouri Ave	Oceanside	92054
Sulzmaier	Florian	3670 Reynard Way Apt C	San Diego	92103
Weinisch	Kendra	4835 63rd St	San Diego	92115
Brooks	Sarah	4206 E Overlook Dr	San Diego	92115
Royer	James	5175 Luigi Ter Apt 34	San Diego	92122
Nash	Diane	401 Alpine Heights Rd	Alpine	91901
Honea	James	3022 Red Mountain Heights Dr	Fallbrook	92028
Brown	Cynthia	3940 Park Blvd Apt 106	San Diego	92103
Donaldson	Britton	339 W University Ave Unit B	San Diego	92103

Thorn	Kristen	2830 Anaheim St	Escondido	92025
Mazzoli	Marcelle	9175 Judicial Dr Apt 6222	San Diego	92122
Kosta	George	7929 Mission Bonita Dr	San Diego	92120
Jessop	Janice	1554 Via Madrina St	San Diego	92111
Bixler	Steven	4442 Brighton Ave	San Diego	92107
Zakaria	Sarah	PO Box 60528	San Diego	92166
Reinhart	Robin	2626 29th St	San Diego	92104
Cabezud	Carlos	PO Box 430509	San Ysidro	92143
Carraway	Kristine	3759 7th Ave	San Diego	92103
Dangelo	Patricia	4505 Van Dyke Ave	San Diego	92116
Gallagher	Edward	2037 Manzana Way	San Diego	92139
Young	Wayne	11368 Calle Jalapa	San Diego	92126
Thompson	Ann Marie	1905 Pheasant Pl	Escondido	92026
Sturchler	Maria	11420 Caminito La Bar Unit 149	San Diego	92126
Larky	Steven	2450 Newcastle Ave	Cardiff	92007
Regan	Elizabeth	2679 Seacrest Ct	Vista	92081
Williams	Pamela	2400 Highview Ln	Spring Valley	91977
Canavero	Janet	2376 Winter Haven Rd	Fallbrook	92028
Tesar	Margit	PO Box 33086	San Diego	92163
Miller	Barbara	7385 Mission Trails Dr Unit 122	Santee	92071
Ponder	Linda	588 Stewart Dr	Vista	92083
Mason-Schwegel	Laura	4444 W Point Loma Blvd Unit 67	San Diego	92107
Kotelko	Donald	4531 Brighton Ave	San Diego	92107
Bergstrom	Vicki	1038 Orchard Ln	Julian	92036
Haydon	John	13360 Scotsman Rd	Lakeside	92040
Smith	Robert	3512 Lake Blvd Apt 210	Oceanside	92056
Caslavka	Bret	4817 49th St	San Diego	92115
Krausz	Howard	3211 Fosca St	Carlsbad	92009
Meyer	Dan	4631 Del Mar Ave	San Diego	92107
Meyer	Isle	4631 Del Mar Ave	San Diego	92107
Goodenough	Joy	1338 Edgemont St	San Diego	92102
Boyce	John	3540 Carleton St	San Diego	92106
Thunder	Steve	11236 Laurelcrest Dr	San Diego	92130
Stadwiser	J	1747 Belle Meade Rd	Encinitas	92024
Holtze	Angela	10978 Avenida Playa Veracruz	San Diego	92124
Sikorksi	Stephen	999 N Pacific St Unit A313	Oceanside	92054
Inboden	Angela	5030 Codorniz Way Unit 28	Oceanside	92057
McLaughlin	Rachelle	4651 Greene St	San Diego	92107
Woodworth-Gibson	Laura	1410 Denise Cir	Oceanside	92054
Bayer	Judith	11536 Alkaid Dr	San Diego	92126
Shea	Gabriela	17943 Mirasol Dr	San Diego	92128
Pendarvis O'Toole	Debra	6312 Caminito Del Pastel	San Diego	92111
Bump	Valerie	PO Box 2015	Fallbrook	92088

Kraft	Toni	12226 Lomica Dr	San Diego	92128
Limon	Michelle	6780 Mission Gorge Rd Unit 31	San Diego	92120
Arsenault	Kate	20560 Questhaven Rd	San Marcos	92078
Parker	Holly		Marina	93933
McCarthy	Lorraine		Coronado	92118
Baker	Tararachelle		San Diego	92102
Saracini	Deborah	1155 Camino Del Mar # 188	Del Mar	92014
Del Hotal	Tom	2602 69th St	Lemon Grove	91945
Spicer	Joyce	PO Box 1724	La Mesa	91944
De Gonzalez	Inga	4086 Georgia St	San Diego	92103
Crellin	Heather	PO Box 60698	San Diego	92166
Koules	Helen	6107 Terryhill Dr	La Jolla	92037
Gatschet	Nancy K	3484 Larga Cir	San Diego	92110
Gladson	Dave	3022 Kobe Dr	San Diego	92123
Goddard	Chari	4191 Tiberon Dr	Oceanside	92056
Uhler	Ellen	2136 Ensenada St	Lemon Grove	91945
Wootton	A Clark	7256 Jackson Dr	San Diego	92119
MacMurray	Daniel	32008 Wiskon Way E	Pauma Valley	92061
McIntosh	Cynthia	10858 Meadow Glen Way E	Escondido	92026
Comi	Philip	6960 Peach Tree Rd	Carlsbad	92011
Phillips	Michael	28710 Champagne Blvd	Escondido	92026
Grace	Constance	4295 Orchard Dr	Spring Valley	91977
Marsh	Fran	4434 Kane St	San Diego	92110
Nichols	Jonathan	1071 Rincon Villa Pl	Escondido	92027
Mascia	Amanda	3625 Amigos Ct	Oceanside	92056
Hudgins	Orion	2950 Clairemont Dr Apt 15	San Diego	92117
Wiggins	Carol	6506 Zena Dr	San Diego	92115
Garner	M	721 Passiflora Ave	Encinitas	92024
Powers	Anne	8588 Schneple Dr	San Diego	92126
White	Linda	PO Box 22174	San Diego	92192
Unwin	Nicole	3309 Vivienda Cir	Carlsbad	92009
Scott	Charles	3920 Ingraham St Apt 11-210	San Diego	92109
Sardi	Danielle	11156 Zips Way	Valley Center	92082
Houston	Brock	4210 Cartulina Rd	San Diego	92124
Collins	Chris	2440 Cardinal Dr Apt 22	San Diego	92123
Chapman	Russell	4347 Maryland St	San Diego	92103
Malena	Jane	56 Del Mar Ave	Chula Vista	91910
Luehrs	Sandie	450 Stoney Point Way Unit 138	Oceanside	92058
Sexton	Donna	475 Calle Ricardo	Escondido	92026
O'Neal	Karen	4719 Knoll Wood Ct	Oceanside	92056
Scholle	Victoria	4824 Bayard St	San Diego	92109
Holmgren	Nicolas	8418 Denton St	La Mesa	91942
Wukitsch	Kimber	4360 Hamilton St Apt 1	San Diego	92104

Boltax	Robert	845 Fort Stockton Dr Unit 311	San Diego	92103
Melli	James	6540 Eider St	San Diego	92114
Lloyd	David	5492 Imperial Ave Apt 29	San Diego	92114
Nover	Peter	5422 Panoramic Ln	San Diego	92121
Stange	Jutta	PO Box 90764	San Diego	92169
Schwartz	Ari	400 Mariners Island Blvd Unit 119	San Mateo	94404
Bock	Christina	3835 Adams Ave	San Diego	92116
Lawrence	Elizabeth	4730 Amberwood Ct	Carlsbad	92008
Holden	Matthew	970 W Valley Pkwy # 216	Escondido	92025
Allen	Michael	PO Box 460937	Escondido	92046
Brown	Roderick	3940 Park Blvd Apt 106	San Diego	92103
Zoeller	Brigitte	3622 Herbert St	San Diego	92103
Rutherford	Rose	1061 1/2 Missouri St	San Diego	92109
Neal	Jay	6965 Mewall Dr	San Diego	92119
Kaczmarczyk	Lisa	12213 Carmel Vista Rd Unit 238	San Diego	92130
Heatherington	John	16973 Hierba Dr	San Diego	92128
Paquette	Kristine	22215 Mission Hills Ln	Yorba Linda	92887
Yapjoco	Katherine	1505 Robbiejean Pl	El Cajon	92019
Dinublia	Mary	1219 E Barham Dr Spc 118	San Marcos	92078
Werner	Peggy	1515 Broadway Apt 58	El Cajon	92021
Symons	Barbara	PO Box 141	Palomar Mtn	92060
Jansen	Marty	845 Fort Stockton Dr Unit 115	San Diego	92103
Smith	Carol	1786 1/2 N Coast Highway 101	Encinitas	92024
Kunz	Alexander	17474 Montero Rd	San Diego	92128
Chaban	Amanda	4421 Mission Ave Apt F210	Oceanside	92057
Mitchell	Charlotte	6024 Rancho Mission Rd Unit 32	San Diego	92108
Roach	Michael	4630 Mission Bell Ln	La Mesa	91941
Babcock	Kirt	623 E 9th Ave	Escondido	92025
McGovern	Cynthia	5173 Waring Rd # 427	San Diego	92120
Krohn	Helga	15005 Tierra Alta	Del Mar	92014
Whitney	Teresa	6655 La Jolla Blvd Apt 7	La Jolla	92037
Uppling	Cheryl	31940 Del Cielo Este Unit C4	Bonsall	92003
Arnold	Charlice	5030 Windsor Dr	San Diego	92109
Quiggle	Renee	2640 69th St # 91945	Lemon Grove	91945
Crissman	Mary	1254 Opal St	San Diego	92109
Perez	Amanda	482 D St	Chula Vista	91910
Shaw	Chris	1754 Carriage Ln	Fallbrook	92028
Sakoi	Kelly	PO Box 720667	San Diego	92172
Tarbox-Roland	Robin	801 Laguna Ave	El Cajon	92020
Teevan	John	805 Hawksview Pl	Chula Vista	91914
Nelson	Leah	1635 Madison Ave	San Diego	92116
Lindstrom	Mary	4403 Newport Ave	San Diego	92107
Mirabelli	Frank	2535 San Anselmo St	San Diego	92109

Garnet	Maria	7531 University Ave	La Mesa	91942
Musgrove	Susan	1359 San Pablo Dr	San Marcos	92078
Gomez	Cynthia	6231 Shamrock Pl	Carlsbad	92009
Nygaard	Diane	5020 Nighthawk Way	Oceanside	92056
Clements	Renee	6030 Burian St	San Diego	92114
Gilmaher	Zandra	PO Box 19735	San Diego	92159
Barnhart	Nancy	PO Box 23966	San Diego	92193
Latourette	Sherrie	15779 Concord Ridge Ter	San Diego	92127
Walter	Phyllis	3814 Via Del Conquistador	San Diego	92117
Anderson	Helen	PO Box 811	Ramona	92065
Erhorn	Walter	PO Box 1843	Spring Valley	91979
Lockhart	Suzanne	2451 Tulipan Way	San Diego	92111
Ong	Glen	3461 Mount Ariane Dr	San Diego	92111
Matlock	Robert	3594 Grim Ave	San Diego	92104
Stewart	Donna J	PO Box 231519	Encinitas	92023
Kelly	Richard	2378 Cartegena Way	Oceanside	92056
Shipley	Patrick	1957 Oxford Ave	Cardiff	92007
Younce	Megan	4588 Park Blvd Apt 7	San Diego	92116
Randolph	Holland	3939 Iowa St Apt 110	San Diego	92104
Curran	Jannette	PO Box 2842	La Jolla	92038
Sharpe	Susan	1675 Chatsbury St	El Cajon	92021
Davis	Kristine	7541 Hazard Center Dr	San Diego	92108
Treadway	Marisa	1240 N Broadway Unit 64	Escondido	92026
Peterson	Linda	9303 Golondrina Dr	La Mesa	91941
Blackwell	Martha	601 Carla Way	La Jolla	92037
Cole	Laura	2159 Jacot Ln	San Diego	92104
Schneider	Laura	PO Box 361	Dulzura	91917
Davis	Robert	645 Front St Unit 705	San Diego	92101
Ringel	Patricia	1019 Imprl Bch Blvd Apt 19	Imperial Beach	91932
Hargrove	Julia	3533 Quimby St	San Diego	92106
Smith	Marva	PO Box 928285	San Diego	92192
Nelson	Jacob	913 Sandcastle Dr	Cardiff	92007
Walcott	Elisabeth	201 N Sierra Ave	Solana Beach	92075
Dugdale	Kellie	3317 Cowley Way Apt 4	San Diego	92117
Dodson	Kimberly	PO Box 3172	La Mesa	91944
Briles	W	2701 Arnoldson Ave	San Diego	92122
Chaban	Josh	4421 Mission Ave Apt F210	Oceanside	92057
Black	Sally	1123 Rainbow Valley Blvd	Fallbrook	92028
Leininger	William	2285 Old Ranch Rd	Escondido	92027
Jones	Michele	622 Prospect Ave 1	South Pasadena	91030
Archer	D	4918 Chaucer Ave	San Diego	92120
Knox	John	352 Windjammer Cir	Chula Vista	91910
Johnson Drogo	Robin	517 Teran Dr	Fallbrook	92028

Rath	Arlene	1028 Saint Albans Pl	Encinitas	92024
Johnson	Christine	15753 Brandiron St	Ramona	92065
Hagio	Marcy	5824 Kantor St Apt 32	San Diego	92122
Pearce	Karen	920 3rd Ave # 105	Chula Vista	91911
Bryson	Martha	1605 Ocean Front St	San Diego	92107
Millonzi	Aaron	4614 Utah St	San Diego	92116
Willetts	Leo	2465 A St	San Diego	92102
Rassi	Deanna	8146 Hillandale Dr	San Diego	92120
Ventenilla	Christine	2430 B St Apt 2	San Diego	92102
Morris	Ilse	3523 Antiem St	San Diego	92111
Paisley	Catherine	855 21st St	San Diego	92102
Warschauer	Carol	3092 Lloyd St	San Diego	92117
Eutrope	Isis	5215 Fiore Ter	San Diego	92122
Menzel	Beate	1185 Dawnridge Ave	El Cajon	92021
Connole Howard	Mary	981 Catalina Blvd	San Diego	92106
Alpert	Barbara	9703 Winter Gardens Blvd Apt 229	Lakeside	92040
Brien	Dixie	4762 Brighton Ave	San Diego	92107
Bohn	Amber	2820 Coburn St	National City	91950
Ashby	Elizabeth	13719 Fairgate Dr	Poway	92064
Uniacke	Jeffrey	9525 Lemon Ave	La Mesa	91941
Rodriguez	Martina	2336 Palomira Ct	Chula Vista	91915
Hughes	Diane	3152 Trinity Bay Pl	San Diego	92110
Hollenbeck	Amelia	3210 Oakwood Dr	Julian	92036
Emerick	Patrick	1240 Pine Ave	Carlsbad	92008
Whitney	Daniel	5352 W Falls View Dr	San Diego	92115
Forsht	Eugene	1656 Yost Dr	San Diego	92109
Scull	Cicily	10331 Caminito Surabaya	San Diego	92131
Higuchi	Krysta	31674 W Nine Dr	Laguna Niguel	92677
Hatch	Katherine	7916 Girard Ave	La Jolla	92037
Roman Avalos	Teresa	2052 Via Las Cumbres Apt 1	San Diego	92111
Nolan	Virginia	2683 Deerpark Dr	San Diego	92110
Nolan	Cheryl	2047 E St	San Diego	92102
Grant	Roxy	7660 Fay Ave	La Jolla	92037
Johnson	Mary	1514 Granada Ave	San Diego	92102
Surinsky	Terry	4080 Mount Acadia Blvd	San Diego	92111
Collins	Natalia	4656 Edgeware Rd Apt 5	San Diego	92116
Ryason	Diane	1022 W Muirlands Dr	La Jolla	92037
Conrad	Kelly	1302 Park Hill Ln	Escondido	92025
Ramsden	Mary	715 De Luz Rd	Fallbrook	92028
Miller	Kate	4302 Adams Ave	San Diego	92116
Hahn	Arlabeth	2975 Curie St	San Diego	92122
Dibble	Candace	1864 Sea Star Way	San Diego	92139
Boyer	Leah	12413 Caminito Mira Del Mar	San Diego	92130

Mirabedi	Katayoun	26823 Hayward Blvd	Hayward	94542
Aegean	Christine	639 Pearl St	Laguna Beach	92651
Galdikas	Fred	822 Wellesley Ave	Los Angeles	90049
Frost	Jillian	217 Coneflower St	Encinitas	92024
McCoy	John	1010 Palm Canyon Dr	Borrego Springs	92004
Nolan	Shane	13037 Corona Way # 261	Poway	92064
Cronce	Cathy	415 Edgehill Ln	Oceanside	92054
Englund	Adam	940 Sealane Dr Apt 15	Encinitas	92024
Boggs	Douglas	864 Willow Tree Ln	Fallbrook	92028
Zittle	Rebecca	2869 Ulric St	San Diego	92111
Cagle	Laryssa	12489 Heatherton Ct Apt 43	San Diego	92128
Muscat	Cory	15547 Markar Rd	Poway	92064
Seemann	Bruno	13320 Darview Ln	San Diego	92129
Delue	Catherine	15968 Vesper Rd	Valley Center	92082
Matthews	Susan	25211 Stockport St Apt 159	Laguna Hills	92653
Mason	Shayla	321 W Rincon St Unit 108	Corona	92880
Berndt	Carolyn	32 Marble Sands	Newport Beach	92660
Donald	Kirsten	43 Platinum Cir	Ladera Ranch	92694
Leeds	Wendy	46 Seascape	Laguna Niguel	92677
Polito	Stephanie	25431 Coach Springs Ln	Laguna Hills	92653
Walters	Amanda	344 Floral Vw	Irvine	92618
Shepherd	Kate	814 Oak Gln	Irvine	92618
Belkowiche	Cindy	16 Wildemere	Rncho Snt Margarit	92688
Chang	Peter	212 Mantle	Irvine	92618
Einstein	David	5841 College Ave	San Diego	92120
Brown	Robert	5456 Pire Ave	San Diego	92122
Linna	James	1199 Pacific Hwy Unit 1402	San Diego	92101
Weber	Christoph	3841 Camino Lindo	San Diego	92122
Menefee	Michael	850 Beech St Unit 1802	San Diego	92101
Sutera	Barbara	7242 La Jolla Blvd	La Jolla	92037
Wandel	Amy	4888 Kensington Dr	San Diego	92116
Harrison	Patrick	5260 Remington Rd	San Diego	92115
Berry	Judith	1731 Beryl St	San Diego	92109
White	Jennifer	11775 Semillon Blvd	San Diego	92131
Weber	Stephen	1824 Puterbaugh St	San Diego	92103
Peddecord	Kenneth	6342 Camino Largo	San Diego	92120
Lore	Sherry	4128 Kerwood Ct	San Diego	92130
Youmans	Ronette	607 Orpheus Ave	Encinitas	92024
Endeman	Judith	3721 Granada Ave	San Diego	92104
Lengua	Sarah	5025 Collwood Blvd # 2609	San Diego	92115
Evans	Joyce	1652 Via Cancion	San Marcos	92078
Castanos Nava	Ana	1080 Las Rosas Ct	Chula Vista	91910
Sagayadan Mc Grath	Rosario	9727 Eucalyptus Ct	Santee	92071

Kerbin	Candy-Jo	8301 Mission Gorge Rd Spc 306	Santee	92071
Rakowski	Nancy	12634 Castle Court Dr	Lakeside	92040
Erece	Florentino	761 Beech Ave	Chula Vista	91910
Hartzell	Carmella	6960 Golfcrest Dr Unit B160	San Diego	92119
Perske	Deana	5609 Kiowa Dr	La Mesa	91942
Setzler	Sandra	17013 N 49th Ave	Glendale	85308
Wodyn	M	2520 Haller St	San Diego	92104
Reyes	Ana	727 Galaxy Dr	Vista	92083
Henton	Arleen	2285 Michael Faraday Dr Ste 8	San Diego	92154
Stewart	Donna	1544 Fairway Vis	Encinitas	92024
Leon	M	39695 Berg Rd	Fallbrook	92028
Kaufhold	Marilyn	2223 Whitman St	San Diego	92103
Rennie	Kristy	6600 Shannon Ave	San Diego	92115
Rickard	Patricia	6156 Syracuse Ln	San Diego	92122
Rickard	Doug	6156 Syracuse Ln # 2000	San Diego	92122
Gidlund	Linda	6874 Summit Ridge Way	San Diego	92120
Hinkle	Elizabeth	9984 Scripps Ranch Blvd Ste 405	San Diego	92131
Marrone	Elizabeth	4768 Narragansett Ave	San Diego	92107
Russell	Jan	5209 Gaylord Dr	San Diego	92117
Dunn	Alvin	7043 Cinnamon Teal St	Carlsbad	92011
Dunn	Elsie	7043 Cinnamon Teal St	Carlsbad	92011
Mc Cool	Mark	3857 Marlborough Ave F	San Diego	92105
Smith	Rita	9438 Haley Ln	La Mesa	91941
Chirazi	Jacques	5264 La Jolla Mesa Dr	San Diego	92109
Sullivan	Ellie	16851 Bellota Dr	San Diego	92128
Sullivan	Frank	16851 Bellota Dr	San Diego	92128
Mitchell	Patrick	3324 Harbor View Dr	San Diego	92106
Young	Bridget	11368 Calle Jalapa	San Diego	92126
Larky	Alexis	2450 Newcastle Ave	Cardiff	92007
Crellin	Heather	1021 Scott St Apt 162	San Diego	92106
Crellin	Scott	1021 Scott St Apt 162	San Diego	92106
Garcia	Consuelo	PO Box 436037	San Diego	92143

From: Otis Hilbert [mailto:otishilbert@aol.com]
Sent: Tuesday, June 04, 2019 11:43 AM
To: ChildrensPool@Coastal
Cc: OTISHILBERT@aol.com
Subject: Approve renewal of the protections of La Jolla seals for 10 years.

Dear Coastal Commissioners,

The educational treasure that is the harbor seal rookery at Children's Pool in La Jolla should be preserved. I strongly support the following:
Extend the term of Permit 6-14-0691-A1, (Closure of Children's Pool beach to all public access during harbor seal pupping season) for a period of 10 years
Extend the term of Permit 6-15-0223-A2, (Provide a buffer between humans and harbor seals) for a period of 10 years.

I have spent hundreds of hours at Children's Pool as a docent for Seal Conservancy and its predecessor organizations. I am convinced that the thousands of people who visit this wonderful place to observe its unique harbor seal rookery need the guidance and controls described in the above Permits. Most of these people are welling meaning but ignorant of the need to observe the seals from a distance. Without guidance and controls such visitors tend to approach hauled-out seals and cause them to flush into the water, a very disturbing event for all seals and a disastrous one for mothers and pups.

Please renew the Permits.

Thanks you for your consideration of this important matter.

Otis Hilbert
1941 Ford Parkway
Saint Paul, MN 5116

ML

RECEIVED
JUN 03 2019
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

5-29-19

Attn: File # 6-14-0691 A1/6-15-0223 A2
California Coastal Commission
7575 Metropolitan Drive Suite 103
San Diego CA 92108

Dear Coastal Commissioners,

I am taking time out to hand write to you my support of the 10 year renewal of CDP Application No 6-14-0691 A-1 ("closure of children's Pool Beach to all access during Harbor Seal pupping season Dec 15-May 15 of each year") and CDP Application No. 6-15-0223 A 2 ("Re-authorize use of an existing 4 ft high, 152 linear foot guideline rope with 3 foot opening for beach and ocean access, support posts, foundations & informational signs") to protect La Jolla Harbor Seals.

Having this safe space allows the successful birthing of harbor seal pups and provides an area for pregnant female seals and moms and pups to rest.

Let us share this space and this time frame with these beautiful beings. There is still plenty of time (May 15 - Dec 15) for humans to enjoy that beach. Let us continue to be good neighbors to our ocean friends.

Thank you for your consideration.

Diane Miller
5104 Emerald St
Torrance CA 90503

Dear City Council,

I like the seals and I love seeing them on the beach! Please let them stay here!

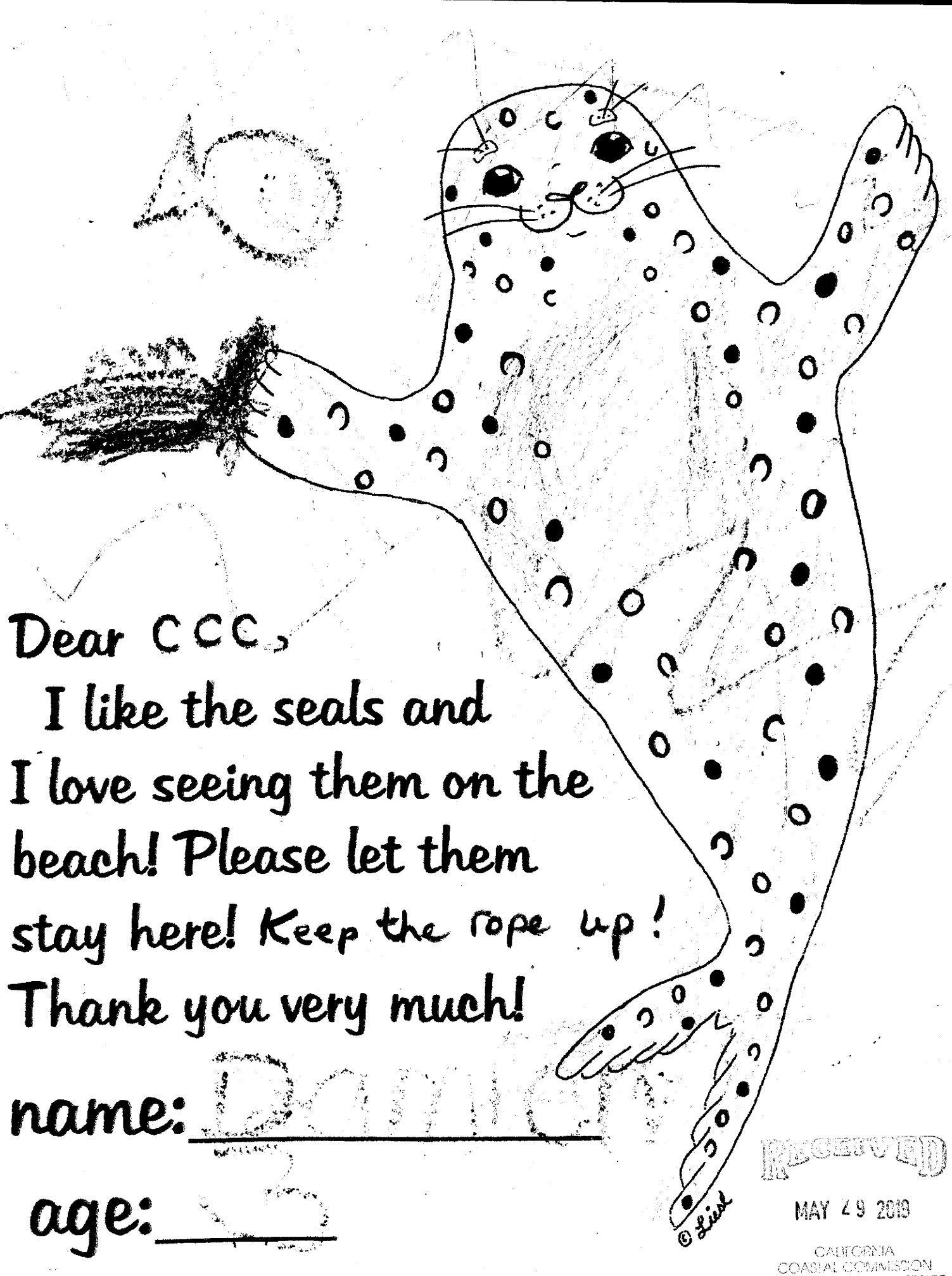
Thank you very much!



name: [illegible]

age: 10

RECEIVED
MAY 29 2019
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



Dear CCC,

I like the seals and I love seeing them on the beach! Please let them stay here! Keep the rope up! Thank you very much!

name: [redacted]

age: 3

RECEIVED
MAY 29 2019
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

La Jolla Community Planning Association

March 25, 2019

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Re: Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits.
The La Jolla community, through a vote of the majority of Trustees of the La Jolla Community Planning Association, opposes the renewal of CDP # 6-14-0691 & CDP # 6-15-0223. These Coastal Development Permits should not be renewed without requiring the intended implementation of improved access, sand and water quality in the permit conditions. Unsafe conditions from widespread animal waste on the sand, polluted water and closed beaches are contrary to local community standards contained in the La Jolla Community Plan. The Commission should require additional performance benchmarks on the City's permits with the goal of actually improving sand and water quality and better beach access for disabled visitors.
The conditions for the beach closure permit CDP # 6-14-0691 are :**"During the five year [permit] period the City shall":**

1. **"Examine the feasibility of ADA access."**

The Children's Pool beach access ramp is identified as public access in the LCP. The City opposed a disabled swimmer's request seeking reasonable accommodation to use the existing beach access ramp at Children's Pool. A lawsuit was filed but later withdrawn because of a ruling in a separate case. The City spent more resources fighting against improved access for the disabled than it would have to restore and reopen the ramp as a reasonable accommodation for the disabled and public use. Existing ADA law does not require the ramp to be changed to current ADA standards.
The City has not complied with their own development permit requiring emergency vehicle access to the beach when they built the new lifeguard tower at Children's Pool, CDP NO. 549686. The City has permanently barricaded the beach access ramp with an unpermitted concrete barrier. This un-approved development will be the subject of an upcoming "Substantial Conformance Review" hearing at the City.

2. **"Examine water quality and determine any method to improve it."**

The City has not met State water quality standards at Children's Pool for decades because they have taken no action to reduce the seal waste overload on the beach. There has been no cleaning of the beach since volunteers cleaning the beach were forced to stop by the City in 2013. In August 2018 new County Health Dept. warning signs were posted along the rope barrier indicating a worsening of water quality at the Children's Pool. The "temporary" advisory signs remained until the beach closure in December 2018.

3. **"Analyze the quality of the sand and determine a method for improving it."**

Two decades of seal waste accumulation on Children's Pool Beach has negatively impacted water and sand bacteria levels. There is no shared use when the summer season starts when beach goers are faced with a beach full of seal waste from the previous closed season. Regular beach cleaning at the beginning of the summer would greatly reduce the buildup of harmful bacteria into the water and sand. Even with the conditions placed on the beach closure permit by the Coastal Commission, the City refuses to clean the beach as was done regularly in the past.
Long term renewal of the current permits will foreclose on any discussion of alternative ways to provide for better access while protecting wildlife. A balanced management plan with defined improvement goals over a one or two year period should be considered instead of meaningless studies and before granting a long term permit renewal.

Children's Pool Rope barrier CDP # 6-15-0223

The rope barrier blocking access across 152 feet of a 155 foot wide beach (98 %) is an encroachment on an established physical access way to the shoreline in violation of the Coastal Act. A summertime rope barrier cannot be justified or permitted to remain in its current form. Any access restrictions must change with changing conditions every day. A City Ranger was hired and should be used for this specific purpose depending on current conditions.
Two decades ago, the City refused to follow NOAA/NMFS recommendations to discourage harbor seals from establishing a colony on Children's Pool Beach. The latest opinion from NOAA is they do not think beach closure was necessary to prevent disturbance of the seals. The closure has led to increased pollution in the sand and water. This represents a degradation of coastal access protections in the Coastal Act.

Please reject the City's application for beach closure permit extensions without imposing intended improvement standards. Instead, please require a better beach management plan that accommodates all users of the beach with clean sand and water. The Children's Pool Beach closure was an extreme measure which has encouraged colonization by more seals at Children's Pool and nearby beaches. This will only lead to more demands for more closed beaches as popular urban recreational beaches are occupied by the growing seal population. This is of great concern to the La Jolla Community Planning Association and anyone wanting to maintain and improve coastal access in La Jolla.

Sincerely,

Bob Steck, President
La Jolla Community Planning Association

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month | La Jolla Recreation Center, 615 Prospect Street

Contact Us:
Mail: PO Box 889, La Jolla, CA 92038
Web: www.lajollacpa.org
Voicemail: 858.456.7900
Email: info@lajollacpa.org

President: Tony Crisafi
Vice President: Matt Mangano
2nd Vice President: David Gordon
Secretary: Suzanne Weissman
Treasurer: Michael Costello

June 7, 2019

Melody Lasiter, Coastal Program Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108
619-767-2370
childrensPool@coastal.gov

Th21a & Th21b
Children's Pool Beach

At it's meeting of June 6, 2019 the La Jolla Community Planning Association (LJCPA) voted to add an addendum to its March 25, 2019 to the California Coastal Commission.
Recommendations to the California Coastal Commission at the 13 June 2019 Meeting.
The La Jolla Community Planning Association recommends the following for your Motion on the Children's Pool Beach Rope, Th21a & Th21b.

1) Extend the current permit for one more year, 2020.
2) Begin the beach closure on Jan 15 2020, end it on April 15 2020.
3) Direct City of San Diego Staff to present meaningful and viable plans to address the four issues presented in the LJCPA letter dated March 25, 2019, to the public and Planning Groups in 6 months.
4) Return to the California Coastal Commission in the Summer of 2020 with a new application solving the listed problems.

Tony Crisafi
President,

From:	Leslie Aiken
To:	ChildrensPool@Coastal
Subject:	Do not allow the Children"s Pool to be closed.
Date:	Friday, April 26, 2019 10:49:36 PM

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Please do not renew or extend permits, CDP # 6-14-0691 and CDP # 6-15-0223 authorizing the closing of Children's Pool Beach and rope barrier.

My husband and I enjoy this beach immensely. We drive from Los Angeles on the weekends, there should never have been a barrier of any type. The community needs Children's pool now more than ever.

Please do not allow continuation of this bad policy forced on the people of San Diego. In the past, this review process has been a total surrender to false claims of seal harm and political correctness run amok.

The current conditional permit for beach closure has specific objectives required to improve sand and water quality and to improve access for the disabled. Those three conditions were studied and not surprisingly, The City claims all potential methods for improvement are not feasible.

1. "Examine the feasibility of ADA access."
2. "Examine water quality and determine any method to improve it."
3. "Analyze the quality of the sand and determine a method for improving it."

The City has done nothing but attempt to avoid responsibility for the impacts of this beach closure. They were not forced to do an environmental impact study for the negative impacts this has caused. Water quality is as bad as ever and will remain so unless something is changed in beach management. The sand is littered with seal waste and is never removed. It is driven down deep into the beach sand and contributes to the bad high fecal counts in the water. Swapping water quality standards from one long established method to another to imply improved water quality is not improving water quality at Children's Pool.

It is the duty of the Coastal Commission and their staff to review and scrutinize the City's claims for accuracy and legitimacy. I don't believe the City's when they claim there is nothing that can be done to improve conditions for the 7 month out of the year when people are using the beach. The cost to the City to make these improvements should be irrelevant since it was their option to seek beach closure and artificially shelter Harbor Seals on this popular man-made beach.

Unfortunately, the costs will be borne by the taxpayers for bad decisions made in the past but that cannot be used as an excuse to permit the continuing restrictions that are increasing the negative impact and causing polluted water and sand.

There is already a ramp at the Children's Pool down to the beach. If only the City would have opened that ramp they would have saved the very expensive cost of defending an ADA lawsuit. The money would have been better spent upgrading the existing ramp that would have fulfilled the condition in the current permit to improve access for the disabled. All in all, it was a very poor decision by the City which wasted hundreds of thousands of dollars and has done nothing but continue the discrimination against disabled people.

The Coastal Commission must impose clear and certain improvement standards for any permits extended for the City. They cannot be allowed to hinder beach access with such a complete restriction that circumvents the Coastal Act. The City cannot be allowed to block historic public access to the coast, and walk away without those public health and access standards being met. Extending the current permit while accepting the City's deception will be without factual reasoning entering into the process.

I am opposed to the renewal of Coastal Development Permits that allow the closure of Children's Pool Beach. This is an unnecessary action that infringes on Constitutionally protected coastal access rights and is contrary to the Children's Pool Trust granting State tidelands to the City of San Diego. The Tidelands Grant or Children's Pool Trust was created for the expressed purpose to be a park, playground and bathing pool for children.

Sincerely,

Leslie Aiken
A very concerned citizen and water lover.

From: mikekreedman@gmail.com
To: ChildrensPool@Coastal
Subject: I OPPOSE THE RENEWAL OF PERMITS CLOSING CHILDREN"S POOL
Date: Saturday, April 20, 2019 11:07:05 PM

RE: CDP # 6-15-0223 Children's Pool rope barrier and CDP # 6-14-0691 beach closure permits.

I am opposed to the renewal of Coastal Development Permits that allow the closure of Children's Pool Beach. This is an unnecessary action that infringes on Constitutionally protected coastal access rights and is contrary to the Children's Pool Trust granting State tidelands to the City of San Diego. The Tidelands Grant or Children's Pool Trust was created for the expressed purpose to be a park, playground and bathing pool for children.

Tampering with the State tidelands grant has caused a huge financial burden on the citizens of California as the cost of this poorly thought out City experiment has spiraled out of control. Pollution on the sand and in the water has created a health hazard for visitors and wildlife. The historic beach access ramp has been closed to the public for over a decade with a new barrier wall blocking the ramp in violation of the City's Coastal Development Permit. The ramp should be restored and opened for public use.

This closure has provided limited benefits to seals who don't need the artificial shelter this beach provides. Harbor Seal populations are booming and spreading to other popular recreational beaches. Soon there will be a demand for more beach closures. How will those demands be denied when Children's Pool remains closed.

Beach closure places an undue burden on beach-goers wanting to use the sheltered beach provided by the Scripps gift of the seawall. The Coastal Commission must require specific standards for beach cleanliness for safety for swimmers and bathers as part of any permit renewal consideration.

Sent from my iPhone

From:	Friends of the Children"s Pool
To:	ChildrensPool@Coastal
Subject:	Re: Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits.
Date:	Sunday, April 14, 2019 3:35:00 PM
Attachments:	DND objections for FoCP by Ken Hunrichs updated shark data to 2019.pdf Cover letter to CCC about EIR not done by City for beach closure april 2019.pdf

The attached letter addressed to Anna McPherson, Environmental Planner, City of San Diego Development Services Center, is a response from Friends of the Children's Pool to the Draft Negative Declaration (DND) by the City of San Diego. The DND was prepared for the application for a Coastal Development Permit from the Coastal Commission to close Children's Pool Beach.

The City sought to avoid the costs of an Environmental Impact Study by dismissing the foreseeable environmental impacts in their beach closure plans. The population of Harbor Seals has greatly expanded in the La Jolla area. A new colony of Harbor Seals is forming in the Bird Rock area just south of Children's Pool and the well-known rookery at Cabrillo National Monument continues to grow. Concurrently, the park area around the Cabrillo rookery has been placed off limits to visitors for several years. All these growing rookeries are near specially designated Marine Protected Areas negating the benefits of the protected status in those areas. The anticipated growth in fisheries in those areas has not occurred and will not with the pinniped populations now out of balance with historical levels.

With critical analysis, it can be shown that artificially sheltering Harbor Seals in a man-made swimming playground and park has intensified negative impacts from sand and water pollution. Beach closure has severely limited access for disabled swimmers looking for a safe, sheltered access to the ocean. Children's Pool is the near perfect location for wheelchair bound swimmers who could easily access the beach using the now closed and barricaded beach access ramp at Children's Pool.

Please review the attached document as part of your analysis for the Children's' Pool Beach closure permit and rope barrier permit. With detailed analysis, it will be clear that the City seeks to benefit from a closed beach to avoiding the financial costs of mitigating the impacts to the environment. It is as true now as it was in 2013. Please do not renew the permits without correcting this unjustified impact to the local environment.

Kenneth L. Hunrichs
President, Friends of the Children's Pool



April 15, 2019

California Coastal Commission
San Diego District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Re: Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits.

The attached letter addressed to Anna McPherson, Environmental Planner, City of San Diego Development Services Center, is a response from Friends of the Children's Pool to the Draft Negative Declaration (DND) by the City of San Diego. The DND was prepared for the application for a Coastal Development Permit from the Coastal Commission to close Children's Pool Beach.

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Please review the attached document as part of your analysis for the Children's' Pool Beach closure permit and rope barrier permit. With detailed analysis, it will be clear that the City seeks to benefit from a closed beach to avoiding the financial costs of mitigating the impacts to the environment. It is as true now as it was in 2013. Please do not renew the permits without correcting this unjustified impact to the local environment.

Respectfully submitted,



Kenneth L. Hunrichs
President, Friends of the Children's Pool
kenhunrichs@cox.net

May 31, 2013

Note: Updated shark attack data from 2013 to 2019 was added in April, 2019 to this original document. All other content remains the same.

Anna McPherson
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101

PROJECT: CHILDREN'S POOL CLOSURE PROJECT NO, 225045

Dear Ms. McPherson,

In its Draft Negative Declaration of the Children's Pool Closure project, the City of San Diego has declared there to be no significant negative impacts by the creation of a defacto seal reserve and closure of a urban public beach. By making this determination, the City has without careful consideration, tried to relieve itself from the independent analysis and determinations required by the SD Municipal Code Section 128.0103(a) & (b) pursuant to the California Environmental Quality Act [CEQA]. This could have major environmental impacts and create a financial liability risk to the City of San Diego.

I am President of the Friends of the Children's Pool (FoCP); a non-profit charitable organization which advocates for the restoration of the Children's Pool to return it to its intended users. Our Board has carefully considered the observations and analysis made in the Draft Negative Declaration and objects to this project proceeding without a comprehensive evaluation of the impacts of beach closure. I have prepared this document for the Friends of the Children's Pool.

I am a lifelong San Diego resident and have used the ocean for recreation, swimming, diving, snorkeling, bodysurfing and sailing for fifty years. I am a frequently at Children's Pool and have been at the pool nearly every weekend since 2010 and occasionally during the work week. Our organization (FoCP) provides a welcoming information table and volunteers to inform visitors about the history and nature of the pool. I have done extensive research into the legal and historical aspects of the controversy at Children's Pool. I have participated in numerous public hearings and provided testimony to the various reviewing agencies working on finding solutions to the conflicts at the Children's Pool. I have a BA degree in Park & Recreation Management and worked seasonally for California State Parks and the National Park Service. I currently serve as a member of the La Jolla Parks & Beaches, Inc. committee to help advise the City Park & Recreation Dept. on policy issues related to the management of parks in La Jolla. Because of my education and experience, I am qualified to evaluate and comment on conditions at the Children's Pool for Friends of the Children's Pool.

This popular beach was formed and protected from the rocky La Jolla shoreline as an artificial embayment now known to the world as the Children's Pool. There is a deep sense of community stewardship in this landmark location developed over the 82 years since its construction that must be honored and protected. The relatively recent arrival of Harbor Seals does not change the community's desire to protect the pool for the intended human uses.

FRIENDS OF THE CHILDREN'S POOL LA JOLLA, CALIFORNIA

The specific purpose of this corporation is to educate the public as to the use of the Children's Pool in accord with Miss Ellen Scripps' charitable intent in 1931 in order to protect La Jolla Children's Pool surroundings as a public park, a bathing pool for children, and public recreational usage in accordance with chapter 937 of the deed of trust between Miss Ellen Browning Scripps, the State of California, and the City of San Diego, county of San Diego. Publicize the return of Children's Pool to public recreational use. Promote water quality and safety. Facilitate cleaning the beach and adjacent areas to make it attractive and convenient for public use.

We strongly disagree with the City's claim there are no significant environmental impacts and provide the following information to support our conviction that this area will be negatively and widely impacted by amending the Local Coastal Plan and the La Jolla Community Plan to apply an ESHA designation to this beach. This is a misdirected shortcut to the creation of a display zoo in a children's playground through beach closure and will have significant negative impacts. These are our specific and general observations about the proposed project given the City's obligation to comply with the Municipal Code and CEQA. It may be helpful to review the following sections which compel a comprehensive environmental study on effects of beach closure at Children's Pool.

California Environmental Quality Act

Article 20. Definitions:

15358. EFFECTS

(a)(2) Indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.

15382. SIGNIFICANT EFFECT ON THE ENVIRONMENT

"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

15384. SUBSTANTIAL EVIDENCE

(a) "Substantial evidence" as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.
(b) Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

San Diego Municipal Code Chapter 12: Land Development Reviews

§128.0103 Powers and Duties of the Development Services Director in Implementing Environmental Quality Procedures

The Development Services Director shall be responsible for implementing this article.
(a) The Development Services Director shall have the following powers as required for all projects or activities as defined by CEQA, whether proposed by private applicants, the City, or other public agencies:

FRIENDS OF THE CHILDREN'S POOL LA JOLLA, CALIFORNIA

The specific purpose of this corporation is to educate the public as to the use of the Children's Pool in accord with Miss Ellen Scripps' charitable intent in 1931 in order to protect La Jolla Children's Pool surroundings as a public park, a bathing pool for children, and public recreational usage in accordance with chapter 937 of the deed of trust between Miss Ellen Browning Scripps, the State of California, and the City of San Diego, county of San Diego. Publicize the return of Children's Pool to public recreational use. Promote water quality and safety. Facilitate cleaning the beach and adjacent areas to make it attractive and convenient for public use.

(1) To conduct environmental reviews including a determination of the information required to perform the review;
(2) To issue administrative guidelines consistent with CEQA, the State CEQA Guidelines, current case law, and City Council policy;
(3) To determine environmental significance based on applicable administrative guidelines;
(4) To determine the type of environmental document required;
(5) To prepare environmental documents as required by this article, CEQA, and the State CEQA Guidelines;
(6) To implement any three-party agreement or memorandum of understanding used for preparation of an environmental document and to set standards to help ensure that only qualified environmental consultants prepare these documents;
(7) To ensure to the maximum extent possible, that before public review, all environmental documents incorporate the latest pertinent technical or scientific information and are factually accurate and consistent; and
(8) To help ensure that applicants incorporate all required environmental mitigation measures or project alternatives as adopted by the decision makers to minimize, if not preclude, adverse impacts to the environment from the project, consistent with CEQA.

(b) The Development Services Director shall establish and maintain that degree of independence in the performance of these functions and duties as will assure the City Council, the City Manager, the Planning Commission, and the people of the City of San Diego that the review and analysis of the environmental consequences of projects, are in accordance with CEQA, are independent and wholly objective, and are not prepared for the purpose of either supporting or detracting from any project, plan, or position, whether advanced by the City, any other governmental agency, or private interest.
(Added 12-9-1997 by O-18451 N.S.; amended 12-6-1999 by O-18728 N.S.; effective 1-1-2000.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

BIOLOGICAL RESOURCES

The City cannot create an Environmentally Sensitive Habitat Area [ESHA] where none exists. The landforms and tidelands of Children's Pool underwent extensive modification and degradation by the construction and creation of the seawall and pool in 1930 and 1931. A bathhouse and lifeguard tower has been built in the succeeding years. A beach access ramp was graded into the original bluff to create an additional access to the beach for people who have difficulty using stairs or have strollers and wagons to bring to the beach.

The environmental impact and degradation has now been followed by the unintended accumulation of excess sand in the pool because the seawall sluiceways were permanently closed and the City's neglect of regular beach maintenance. The area is ineligible for designation as an Environmentally Sensitive Habitat Area [ESHA] simply because of the use by Harbor Seals. The natural tidal flushing of animal waste has been prevented by the closed sluiceways and the fecal waste overload by an ever increasing population of Harbor Seals. The area cannot be considered a natural habitat for seals even though they have occupied the area since Sea World engaged in a program of relocating captive Harbor Seals to the Children's Pool area from 1993 to 2004. A practice which was stopped after the impact on Children's Pool was revealed during the O'Sullivan v. City of San Diego trial. Details of the extensive modification to the

FRIENDS OF THE CHILDREN'S POOL LA JOLLA, CALIFORNIA
The specific purpose of this corporation is to educate the public as to the use of the Children's Pool in accord with Miss Ellen Scripps' charitable intent in 1931 in order to protect La Jolla Children's Pool surroundings as a public park, a bathing pool for children, and public recreational usage in accordance with chapter 937 of the deed of trust between Miss Ellen Browning Scripps, the State of California, and the City of San Diego, county of San Diego. Publicize the return of Children's Pool to public recreational use. Promote water quality and safety. Facilitate cleaning the beach and adjacent areas to make it attractive and convenient for public use.

natural landforms and tidelands during construction can be found in the Journal of San Diego History, Summer/Fall 2005. Volume 51, about the seawall construction here: "Until Kingdom Come" The Design and Construction of La Jolla's Children's Pool by Jeremy Hollins.

- http://www.sandiegohistory.org/journal/v51-3/pdf/v51-3_pool.pdf

If a similar seawall construction project were to be contemplated today, along with the creation of an associated Harbor Seal Reserve, it would be inconsistent with CEQA and ESHA policies and sound marine resource management because of the potential to degrade marine, intertidal and coastal bluff resources. The construction of an artificial seawall and the resulting artificial embayment with the intent to create seal habitat would stop this project before it started. This hypothetical project would create conditions where colonizing harbor seals would create pollutants to coastal waters and the sandy beach which would be unacceptable because of the hazard to human health.

In this hypothetical project, just like the current proposed beach closure project, there are no provisions for monitoring and managing the artificially created habitat values if this project were to be undertaken. Unknown native and non-native species potentially could diminish the protections intended for the nearby State Marine Protected Areas established to enhance the marine environment. This likely impact has not been addressed or potentially mitigated in the City's Draft Negative Declaration about the current Children's Pool beach closure plan. A full environmental study should be initiated to determine the impact of this proposed marine mammal reserve so close to the Marine Protected Areas.

It is well documented that the catalyst for Harbor Seal colonization at Children's Pool had its origin with the concentration of rehabilitated Harbor Seal releases near Children's Pool from 1993 to 2004 by Sea World. A practice which was only stopped when the releases were revealed in court testimony in the O'Sullivan v. City of San Diego lawsuit. NOAA and Sea World officials testified to their policy of the releases. The court recognized the negative impact on Children's Pool Beach by those animals. What is unknown is the cause of the policy shift of the location of the releases from remote areas far from human activity to the La Jolla area directly offshore from a major coastal recreation area and an established marine reserve. This activity was conducted, probably with the best of intentions, without the proper scientific review to determine the environmental impact of concentrating habituated Harbor Seals into the area. To further create an unbalanced ecosystem through the artificial protection and forced beach abandonment would compound the environmental impact started through the concentration of Harbor Seals in La Jolla. It is time to unwind the damage done to the marine resources of the area and stop artificially encouraging the overpopulation of one species to the degradation of others. Let us promote the return to environmental balance, which is nature's default condition, without further human interference.

The people of the State of California have devoted enormous resources and energy into creating Marine Protected Areas to assure the recovery of fisheries in the San Diego County area. Two such MPA's are located 1/2 mile north and 1 1/2 miles south of the Children's Pool. During the extensive deliberations about the size and boundaries of the MPA's, Children's Pool was specifically excluded from consideration because of the protected status as a human use beach in the Tideland Trust. The Children's Pool State Tidelands Trust, recently restated in Senate Bill 428, signed into law effective January 1, 2010 requires protection and accommodation to all the uses enumerated in the Trust.

FRIENDS OF THE CHILDREN'S POOL
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Recreational use and marine mammal uses of the beach are given equal weight in the administration of the obligations under the terms of the Trust. The City of San Diego, by attempting to convert parkland, playgrounds and a bathing pool dedicated to use by children into a seal reserve is once again attempting to breach its fiduciary obligation to administer the Trust for the intended beneficiaries of that Trust. The deliberate exclusion of the marine environment around Children's Pool when the MPA's were considered was intended to protect the designated use as a shared use beach for human and seal viewing activities. No other conclusion about the intended uses of the area can be reached with the plain language of SB428.

Beaches in La Jolla provide potential nesting site for many bird species. A closed Children's Pool beach, by forced abandonment, could potentially create an area for colonization of migratory and resident animal and bird species such as the California Least Tern (Sterna antillarum browni) and the Western Snowy Plover (Charadrius alexandrinus nivosus). The Elegant Tern (Thalasseus elegans) which is classified as Near Threatened, NT, was observed and photographed on the Children's Pool Beach in April, 2011. Nesting activity starts in April and continues through June in this area.

If an endangered or threatened species were to begin nesting or colonize the beach at Children's Pool during the forced abandonment period, it would undoubtedly further complicate the City beach management problems. These three species of shorebirds are known to occur in the La Jolla area and will likely colonize any abandoned beach. A conflict could occur between a federally protected marine mammal and the endangered or threatened bird species that both use sandy beach areas. The likelihood of use and occupation by threatened or endangered species has not been examined or even mentioned in the City's Draft Negative Declaration.

Currently, the City of San Diego is struggling to resolve a major human health and safety issue resulting from bird colonization of the closed areas of the bluffs around the La Jolla Cove. It is an unintended consequence of blocking human access to the coastal bluffs and shoreline resulting in a significant accumulation of bird and Sea Lion waste. It has been over a year since the City was advised of the potential health impacts of birds on Goldfish Point. A trial remediation costing taxpayers $50,000 is underway but is likely to be just a down payment on final solution to the ongoing problem. As of today, the City has not resolved the issue and the risk to the health and welfare of human residents continues. Coastal development was undertaken by the City to build fences and barriers to human access without required permits and environmental studies to determine the environmental impacts to the area surround the Cove and Goldfish Point. This mistake should not be repeated at Children's Pool.

- B. Massey, Breeding Biology of the California least tern, Proceedings Linn. Society, New York 72:1-24 (1974)
- California Wildlife, Volume II, Birds, ed, by David C. Zeiner, William F. Laudenslayer and Kenneth E. Meyer, published by the California Department of Fish and Game, November 1988.
- Gary Deghi, C. Michael Hogan et al., Biological Assessment for the Proposed Tijuana/San Diego Joint International Wastewater Treatment Plant, Publication of the United States Environmental Protection Agency Region IX, Earth Metrics Incorporated, Burlingame, CA with Harvey and Stanley, Alviso, CA

LEGAL CONSIDERATIONS

Environmental, historical, cultural and scenic values of Children's Pool closure have not been fully evaluated as required under CEQA Statues and Guidelines Chapter 2.6 §21084.1. HISTORICAL RESOURCE; SUBSTANTIAL ADVERSE CHANGE. This evaluation process requires an environmental

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impact study and has not been done. The California Coastal Act addresses the impact of overuse of any coastal area in the following sections:

Section 30220: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Children's Pool is a unique resource in California. It was dedicated and entrusted to San Diego for a Children's Bathing Pool through a State Tidelands Trust. The beach was maintained in pristine condition for most of its existence by the City of San Diego to make a safe place for children. J.B. Pendleton, President of the San Diego Board of Playground Commissioners acknowledged the generous gift by Miss Scripps and expressed the full cooperation of the City with the construction and maintenance of the resulting Children's Pool. The intent and purpose of the pool along with the acknowledgement of the City role in maintaining the same was expressed in a simple, one page letter. The commitment was made and codified in State Law in the Children's Pool Trust enacted in 1931.

825 Union Street

July 11, 1930

Mr. J. C. Harper, Attorney in Fact,
For Miss Ellen Browning Scripps,
La Jolla, California.

Dear Sir:

Replying further to your communication of June 21 requesting permission for the construction of a concrete breakwater in the Pacific Ocean at La Jolla, beg to advise that we have been advised by the City Attorney that inasmuch as this recreational improvement proposed by you does not affect any property under the control of the Playground Commission, the said Commission has no jurisdiction whatsoever over same.

However, the Board of Playground Commissioners will be glad if you will express to Miss Scripps our sincere appreciation of this proposed addition to the recreational facilities in La Jolla, and that the Board will be happy to cooperate in any and every way possible by placing our superintendent at the disposal of your engineer and the contractors before and during construction of the bathing zone area, and also to cooperate with you in the maintenance and construction of same after it is completed, in so far as our jurisdiction will permit.

Respectfully yours,

J. B. Pendleton (Signature)
President
Board of Playground Commissioners

Children's Pool Tideland Trust [Section 1 of Chapter 937 of the Statutes of 1931]

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 1 of Chapter 937 of the Statutes of 1931.

Section 1. There is hereby granted to the City of San Diego, County of San Diego, all the right, title, and interest of the State of California, held by said state by virtue of its sovereignty, in and to all that portion of the tide and submerged lands bordering upon and situated below the ordinary high water mark of the Pacific Ocean described as follows:

Beginning at the intersection of the ordinary high water mark of the Pacific Ocean with a line bearing S. 87* 40' W. from the monument marking the intersection of Coast Boulevard south Boulevard South with Jenner Street as said monument, said Coast boulevard south Boulevard South, and said Jenner Street are designated and shown on that certain map entitled "Seaside subdivision number 1712" and filed June 23, 1920, in the office of the county recorder of San Diego County , State of California; thence N. 350', thence E. 300', thence S. 185' more or less to the ordinary high water mark of the Pacific ocean, thence in a general southwesterly direction along the ordinary high water mark of the Pacific Ocean to the point of beginning, all in the Pacific ocean, State of California, to be forever held by said City of San Diego and its successors in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be devoted exclusively to public park, parkway, highway, playground and recreational purposes, and to such other uses as may be incident to, or convenient for the full enjoyment of such purposes;

(b) The absolute right to fish in the waters of the Pacific Ocean over said tidelands or submerged lands, with the right of convenient access to said waters over said lands for said purpose is hereby reserved to the people of the State of California.

(c) That there is excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect.

As California's human population increases, demand is increasing for recreational access to the coast even while large areas are being closed as Marine Protected Areas (MPA's). This project further reduces access to suitable lands and coastline for human use and is contrary to the intended purpose of this small beach. In both sections of the Coastal Act cited above, the resource is protected by the words "shall be protected" because of the limited resources suitable for this use and the unique nature of Children's Pool.

The basis for protecting coastal access in the California Coastal Act comes from the California Constitution in the following two controlling sections.

CALIFORNIA CONSTITUTION

FRIENDS OF THE CHILDREN'S POOL LA JOLLA, CALIFORNIA

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ARTICLE 1, DECLARATION OF RIGHTS

Section 25. The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; provided, that the legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken.

ARTICLE 10, WATER

Section 4. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

Judge Pate in his August 25th, 2005 decision in the O'Sullivan v. City of San Diego case (partially quoted below and re-affirmed by Judge Hofmann's ruling) cites several reasons why the Children's Pool must be returned to human use. The imposition of a "marine mammal park" to the amended Trust does not relieve the City of San Diego to act on behalf of the intended beneficiaries of the 1931 Trust or the amended Trust. The people of San Diego still have a place at the Children's Pool in despite all the City's attempts to ignore its legal obligations to maintain this public park and bathing pool.

VALERIE O'SULLIVAN. Plaintiff,) CASE NO. GIC 826918

v.) TENTATIVE STATEMENT OF DECISION

CITY OF SAN DIEGO, a municipal entity,)

and FOES 1 through 500, inclusive,)

Defendants.)

REMEDIES

 As stated above, the court will not order the City to modify its law enforcement activities at the Children's Pool or remove the surveillance camera located at the Pool. The City argues this court does not have the authority to order it to take any action in regard to the Pool, because such actions would be discretionary. If the Children's Pool were a "natural" beach, as argued by the City, such a position might have merit. This court probably would not order the City to clean up a dirty or contaminated "natural" beach where the City was not the direct cause of the contamination.

 However, the Children's Pool is not a "natural" condition. It is a man-made, artificial condition, which was entrusted to the City for specific uses and purposes. The City has knowingly declined to remove sand from the Pool, even though the sand has reached the point where the Pool in reality cannot be used for its intended purpose. Although the City has approved requests to study the removal of the sand, even as recently as September of 2004, it has consistently failed to remove the sand that has been building-up for the last 70 years.

 The presence of unhealthy levels of bacteria from seal feces in the pool water has been consistently left un-addressed by the City. The substantial increase in the number of seals using the Children's Pool seems to have some relationship to the actions or inactions of the City. The creation of the Reserve in close proximity to the Children's Pool and the release by Sea World of rehabilitated harbor seals in the kelp beds off-shore of the Pool, seem to have contributed to an increasing number of seals using portions of the Children's Pool in the mid-1990's. The City's decision to separate the seals from humans and then closing off the Pool to humans, likewise appears to have encouraged the seals to occupy more and more of the beach with ever increasing numbers.

 The occupation of the Children's Pool does not seem to be a "natural" phenomenon. According to the evidence at trial, Children's Pool is the only public beach in California that has been taken over by seals. The City was warned in 1997 that if it did not discourage the seals from hauling-out at the Children's Pool, the number of seals present at the Pool would greatly increase. In response to the situation, the City put up barriers to keep the public out of the Pool area. To date, the City has taken no steps to reduce the level of pollution at Children's Pool.

 Therefore, in order to protect the rights of the people of California to the full use and enjoyment of a unique asset, the Children's Pool, the City, as trustee of the Children's Pool, is hereby ordered to employ all reasonable means to restore the Pool to its 1941 condition by removing the sand build-up and further to reduce the level of water contamination in the Pool to levels certified by the County of San Diego as being safe for humans.

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 Nothing contained in this order shall be construed as requiring the City to violate any law, rule or regulation of any federal, state or county government. The court will maintain jurisdiction to oversee compliance with this order. This order shall be fully complied with no later than six (6) months after the date this order is issued. The City is directed to file a report with this court, no later than sixty (60) days following entry of this order, setting forth what steps it has undertaken and intends to undertake to comply with this order.

IT IS SO ORDERED.

Dated: August 25, 2005

JUDGE WILLIAM C. PATE
Judge of the Superior Court

It is worth repeating one of the significant findings in the O'Sullivan Case here:

"The next biggest cause of actual or constructive closure of the Children's Pool was the City's decision to erect a rope barrier cutting off public access to the Pool. On March 29, 1999, the City Council rejected the City Manager's recommendation to dredge the Pool and restore the Pool to the uses set forth in the Grant, and instead voted to rope off the Pool. In doing so, the City breached its obligations under the Trust, as trustee of the Children's Pool. Instead of returning the Pool to its original and safer configuration and also rectifying the unhealthy condition of the water and sand at the Pool, the City barred the use of the Children's Pool as a "public park, bathing pool for children…. and [use for] playground and recreational purposes," as expressly required by the 1931 Trust."

That same requirement remains today even after modification of the Trust in 2010 under SB428.

San Diego City Charter Section 55 requires a citywide public vote to convert parkland to any another use. The proposed seal habitat designation creates a reserve not authorized in the City Charter without such vote.

Section 55. PARK AND RECREATION.

The City Manager shall have the control and management of parks, parkways, plazas, beaches, cemeteries, street trees, landscaping of city-owned property, golf courses, playgrounds, recreation centers, recreation camps and recreation activities held on any city playgrounds, parks, beaches and piers, which may be owned, controlled or operated by the City. The City Council shall by ordinance adopt regulations for the proper use and protection of said park property, cemeteries, playgrounds and recreation facilities, and provide penalties for violations thereof. The Manager is charged with the enforcement of such regulations.

All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by stature of the State Legislature for park, recreation or cemetery

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purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or late ratified by a vote of two -thirds of the qualified electors of the City voting at an election for such purpose.

However, real property which has been heretofore or which may hereafter be set aside without the formality of an ordinance or statute dedicating such lands for park, recreation or cemetery purposes may be used for any public purpose deemed necessary by the Council. Whenever the City Manager recommends it, and the City Council finds that the public interest demands it, the City Council may, without a vote of the people, authorize the opening and maintenance of streets and highways over, through and across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park, recreation and cemetery purposes.
(SD City Charter, Amendment voted 11-04-1975; effective 12-01-1975.)

The La Jolla Community Plan and certified Local Coastal Plan were carefully crafted by the community to protect coastal resources including recreational use of the shoreline. No action or regulation was ever contemplated to block human access to any part of the shore in La Jolla no matter the circumstance. The wholesale overturning of the community plan, to create an ESHA where is doesn't exist, would violate every concept of community stewardship to coastal resources. It forces the abandonment of a public beach at Children's Pool created explicitly for human use and enjoyment without justification or research to back up the claimed need. The proposed amendment to the La Jolla Community Plan and LCP is not a minor adjustment but is completely contrary to its intent. Children's Pool is repeatedly mentioned as one of several beaches where coastal access must be enhanced. Beach access is not enhanced by this project of beach closure.

CULTURAL RESOURCES

This project has "Potentially Significant Impact" to cultural values. Children's Pool was featured in 1949 National Geographic article highlighting the sport of goggle fishing (spearfishing) which originated in the United States at Children's Pool in La Jolla. Historic use by families, fishermen and children for whom the pool was built, will be denied without consideration or mitigation. Closing this historic beach and causing traditional uses to be done elsewhere will have significant impacts to the Children's Pool site itself and the limited surrounding areas suitable for that established use.

The misleading rope barrier at Children's Pool strongly conveys the illusion of closure of the Children's Pool. The City seeks to continue this encroachment year round without scientific justification or basis in fact. Harbor Seal pupping season at this latitude has a well-defined but limited date range and yet it has been extended to a year round restriction with no scientific study by the imposition of a rope barrier placed year round. The placement of the rope barrier has already heavily impacted nearby parkland at Scripps Park, the La Jolla Cove and La Jolla Shores even during the low beach use season in winter and spring. The impact will be even greater during the summer and fall months. The La Jolla Shores Association is struggling with the impact of ever increasing use by scuba divers. Many of those divers would normally use the Children's Pool but have been driven away by the impacted conditions of the beach.

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Swimmers and divers have traditionally used Children's Pool as a safe location for ocean access. They have been forced to use the La Jolla Cove instead as the only other protected and safe ocean access. This shift has impacted the La Jolla Cove negatively as the facilities there are overrun. Fishermen have been excluded from the La Jolla Cove for decades after the creation of an ecological preserve in La Jolla Bay. That leaves the one remaining sheltered ocean access point at Children's Pool.

If the Children's Pool were to be closed it would cause a significant impairment to public safety and fishing rights when spear divers and spearfishermen are not allowed through the safe access at Children's Pool. A thorough environmental impact study, would confirm this negative and potentially significant impact on the La Jolla beaches. The City's Draft Negative Declaration does not address the foreseeable impacts created at the Cove.

The following quote from the City of San Diego's 2009 Beach Dredging Environmental Impact Report for DSD Project 71362 is telling. The environmental study recognized the impact of beach closure by considering the impact to recreational use at the Children's Pool if an alternative action of beach closure was carried out. Although the closure never occurred, the impact was determined to be "potentially significant" in the conclusions of that study. Now, under the current Draft Negative Declaration, the change of status to close the beach is excused as having no significant impact. It cannot be both. The City's own EIR declared significant impacts of beach closure in the 2009 beach dredging EIR.

> *"This finding would apply to the proposed closure since the impact of beach closure is recognized as having a potentially significant impact to recreational resources. Under this option [no beach closure], access to recreational resources would not be barred at the project site. That changes if the beach were to be closed. No mitigating access is considered to be provided at the site."*
> Environmental Impact Report for DSD Project 71362, 2009, Children's Pool Beach Dredging Project.

Since the City chooses to ignore the impacts of beach closure in the Draft Negative Declaration, no mention of potential mitigation measures were considered. The recognition of negative impacts will require consideration of mitigation measures to offset complete beach closure impacts if the project is approved and implemented. An impartial environmental impact study would require alternatives to beach closure the City seeks to avoid. The obvious mitigating measure which must be considered would be some version of the San Diego Lifeguard Union beach management plan. That plan calls for a seasonally adjusted, protected haul out areas for Harbor Seals while still allowing for mandated human ocean access. This plan is a far superior option to beach closure because it allows required access but with consideration for seal use based on seasonal conditions. It would truly be a solution to the problems of the City's own making, in trying to create "sensitive" habitat where none exists at Children's Pool.

A "**No Project Alternative"** would be fully examined during an EIR of the proposed beach closure project. Under that option, the mitigation of potential disturbances to Harbors Seals could be achieved by the presence of Ranger, Lifeguard, Docent and Police resources at no additional cost. All are either present now or are being considered to protect the seals from disturbance. This makes the much more environmentally significant option of beach closure less attractive and unnecessary. The Draft Negative Declaration never considers the alternative impact to achieve the desired goal using these City resources already in place to protect the seal colony.

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The following excerpts from a Department of Commerce report documents the impacts of pinniped population increases on the West Coast of the United States with data up to the mid 1990's. It is generally accepted that the California Sea Lion population has increased to historic levels and Pacific Harbor Seals are also nearing that level of recovery throughout their range. Impact of the increased pinniped population on human activities is outlined in this report.

The conclusions by the working group studying these impacts should be reexamined in light of the age of the report and increases in the local pinniped population before creating a reserve to bring even more impacts on the local fisheries. The kelp beds off La Jolla are a productive and popular commercial and recreational fishing area. The creation of a Harbor Seal reserve nearby will have an undetermined but likely substantial impact. A reasonable inference can be made from the study quoted below where increasing pinniped populations are impacting fisheries and related activities.

The attempt to bypass required environmental impact studies by the City of San Diego clearly shows the City wishes to ignore obvious and documented impacts on fisheries by encouraging an ever increasing number of seals on Children's Pool Beach.

Economic Impact of Pinniped predation on Commercial Fisheries

U.S. Dept Commerce/NOAA/NMFS/NWFSC/Publications

NOAA-NWFSC Tech Memo-28: Impact of sea lions and seals on Pacific Coast salmonids
http://www.nwfsc.noaa.gov/publications/techmemos/tm28/discuss.htm

DISCUSSION OF ECOSYSTEM IMPACTS

Determining the impact of pinnipeds on the U.S. West Coast ecosystems is a complex assessment involving separating the effects of other predators (including commercial, sport, and tribal fishers), predator and prey population dynamics, disease, and changes in environment. Because California sea lions and harbor seals are opportunistic predators, their food habits change dramatically over areas, seasons, and years in response to changes in abundance and availability of their prey. These ecological interactions are complicated, and at this time there is insufficient information to evaluate whether pinniped predation influences prey populations in most situations. Consumption estimates require information on predators, including an age/sex structured model of seasonal distribution; energetic requirements based on mass and reproductive condition; annual, seasonal, and geographic variation in the percent (by weight) of prey in diet; and average energy density of prey. Statistical models to quantify the impact of pinnipeds on prey have been proposed for the interactions of Cape fur seals and hake in the Benguela Current, gray seals and cod in the North Atlantic, and harp seals and cod and capelin in eastern Canada. The problems encountered in these studies which cause bias in consumption estimates include variation in annual and seasonal proportion of prey in diet and changes in energetic costs. It is also difficult to assess the impact of predation on prey dynamics without understanding the interaction of other predators and other sources of natural mortality. Because of these constraints, the Working Group limited consideration of potential ecosystem impacts to annual biomass consumption estimates for harbor

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seals and sea lions, socioeconomic implications of pinniped interactions with commercial and sport fisheries, and pinniped interactions with other human activities.

Pinniped Interactions with Commercial Fisheries

Harbor seals and California sea lions interact with almost all commercial fisheries on the West Coast. Because pinniped mortalities due to entanglement in fishing gear do not appear to have had any negative effects on the increase in seal or sea lion populations, the principal concerns are damage to catch and gear and potential indirect impacts on the fish stocks. The loss in catch and gear is most severe in salmonid gillnet and salmon troll fisheries (NMFS 1992). Fish caught in gear are removed or damaged by pinnipeds, causing direct loss of income to the fishers. Bait is taken out of traps and off hooks, making the gear ineffective. Fishing gear is damaged, making it "unfishable," especially in the case of California sea lions tearing through salmonid gillnets.

California Set-Net and Drift Gillnet Fisheries for Halibut, Seabass, and Swordfish/Sharks

In 1980, Miller et al. (1983) reported the highest pinniped depredation rate in the California gillnet fisheries occurred in the California halibut and white seabass set-net fisheries off southern California, where pinnipeds depredated 10% of the catch. In contrast, the white croaker, Pacific bonito, and flying fish gillnet fisheries experienced a depredation rate of less than 2%. Data collected in 1995 by CDFG show nearly the same situation of sea lions and Harbor Seals primarily depredating catch in the California halibut, white seabass, and barracuda gillnet fisheries (Beeson and Hanan 1996). There are also reports of pinniped depredation in gillnet fisheries that target mackerel, Pacific bonito, rockfish, shark, and swordfish.

From July 1990 to July 1994, NMFS observers monitored 60,967 set-net sets (mostly targeting on California halibut). Pinniped depredation was reported in 19% of the observed sets. During the 1993-94 white seabass season, fisher logbooks indicated 20% of the fishing days had "fish lost to pinnipeds" (Beeson and Hanan 1996). In the 1994-95 season, there was a reported loss in this fishery in 12% of the fishing days. Commercial fishers report that pinnipeds can damage 10-30% of the catch daily, a monetary loss of approximately $50-75 per day, or $3,000-4,000 for a season (Beeson and Hanan 1996). Because of the implementation of restrictions on the use of set-nets in California waters, fishing effort in the halibut set-net fishery has declined substantially over the past 5 years, from more than 7,000 days of effort and more than 200 boats in 1990 to less than 2,000 days of effort and 40 boats in 1994 (Beeson and Hanan 1996). According to commercial gillnet fishers, depredation rates and gear damage have increased over the past 5 years for boats that remain in the fishery. Many fishers have reported to CDFG that they are being "put out of business" by continual pinniped depredations and related loss of income. Commercial fishers also report that pinniped depredation is more intense during El Niño periods.

Miller et al. (1983) found that sea lions depredated more than 1% of the swordfish catch in the shark-swordfish gillnet fishery in 1981. From July 1990 to July 1994, NMFS observers in this fishery documented that 250 (2.5%) of the total observed drift gillnet sets (9,892 sets) sustained pinniped depredation. In addition to depredation of catch, sea lions and harbor seals damage gillnet gear. Miller et al. (1983) estimated the total value of fish removed by pinnipeds and gear loss in California gillnet fisheries was

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$121,000 in 1980**. Today, fishers claim that individual gear damage and catch loss in gillnet fisheries range from $1,000 to $20,000 annually.**

In addition to commercial gillnets, sea lions also depredated CDFG gillnets used for a striped bass tagging study in the Bay-Delta (Dave Kohlhorst, CDFG, 1416 9th St., Sacramento, CA 95814. Pers. commun., April 1996). Sea lions removed 100 striped bass from the gillnets over a 10-day period, as far as 60 miles inland from the San Francisco Bay Bridge.

Pinniped Interactions with Sport and Charterboat Fisheries

In southern California, sport fishing is a $536-million business (Thompson and Crooke 1991). Since at least 1979, more pinniped interactions in the non-salmonid sport fishery occurred in southern California, especially near **San Diego**, than any other area (Miller et al. 1983, Hanan et al. 1989). Sea lions directly affect charterboat fishing by consuming bait and chum and depredating hooked fish. Miller et al. (1983) found that fewer fish were caught by charterboats when a sea lion was present. Consequently, when sea lions are present, skippers frequently move the boats to other fishing areas, resulting in additional fuel costs and loss of fishing time.

Sea lion interactions with charterboat fisheries and depredation of catch occur throughout the year in southern California (Beeson and Hanan 1996). For the first seven months of 1995, 14% of all non-salmonid trips were depredated by sea lions (1,414 depredated trips out of 10,042 total trips). A depredated trip was defined as a charterboat trip with at least one fish reported taken by sea lions. In comparison, in central/northern California, less than 2% of the non-salmonid trips were depredated by sea lions (55 depredated trips out of 2,939 total trips). The majority of depredations involved California barracuda in near shore coastal waters in the Los Angeles and **San Diego** areas.

In 1979 and 1980, Miller et al. (1983) reported that there were no pinniped interactions with charterboat trips in California north of Avila (San Luis Obispo County), and depredation was rare except in the **San Diego** area. In 1980, the total annual loss from depredation by California sea lions in southern California was estimated at 15,141 non-salmonids that had a fresh-fish market value of $28,100; Pacific bonito comprised 78% of this loss. Beeson and Hanan (1996) analyzed the charterboat fishing logs, statewide, for January through July 1995, and found that 26,138 non-salmonids were taken by pinnipeds. Of this total, 97% were taken in southern California and had a fresh-fish market value exceeding $145,200; California barracuda comprised 59% of this loss.

In 1994, the San Diego charter boat fleet experienced sea lion depredations throughout the year, ranging from 7% in February to a high of 38% in April (number of depredated trips relative to the total number of trips). The highest percentage of depredated trips occurred in March through May. California barracuda were taken most often by sea lions, although rockfish, mackerel, kelp, and barred sand bass were also taken (Beeson and Hanan 1996).

Hanan et al. (1989) found interaction and depredation rates for charterboat fisheries in the **San Diego** area decreased in spring and early summer, and increased in mid-summer. They attributed this seasonal trend to sea lions congregating in the Channel Islands for the breeding season. Hanan et al. (1989) found that

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the interaction and depredation rates declined following an El Niño event, and suggested that the reason was a reduced number of available fish.

Contamination of Shellfish Beds

Another potential impact of expanding pinniped populations on the coastal ecosystems is contamination of shellfish beds. In the 1980s, high concentrations of fecal coliform at the Dosewallips River in Hood Canal, Washington, resulted in the closure of commercially and recreationally harvested shellfish beds to protect the health of the public. The contamination was determined to be caused by the feces of large numbers of harbor seals that used the area as a haul-out (Calambokidis et al. 1989, Calambokidis and McLaughlin 1988). To alleviate the contamination problem, a fence was built to prevent seals from hauling-out near shellfish beds, and a raft was built in deeper water as an alternative haul-out site for the seals. At present, the Dosewallips shellfish beds are partially open to commercial and recreational use (K. Anderson, Puget Sound Water Quality Action Team, P.O. Box 40900, Olympia, WA 98504-0900. Pers. commun., July 1995). The partial closure remaining at Dosewallips River is due to contamination from both agriculture and seals.

The Working Group found that only 1 site of the 77 commercial shellfish beds in Washington was closed because of high coliform counts caused by seals. In Quilcene Bay, Henderson Inlet, Belfair State Park, Port Gamble Bay, and other Hood Canal areas, human and domestic animal sewage appears to be a more widespread cause of contamination than harbor seals (Anderson, pers. commun., July 1995). Nevertheless, oyster growers in Grays Harbor, Willapa Bay, and Hood Canal have expressed concern that fecal coliform contamination from increasing pinniped populations may cause future shellfish closures in Washington. Similar pinniped contamination concerns have been raised at commercial oyster aquaculture sites in Tillamook and Yaquina Bays in Oregon, but no studies have addressed the concern.

Pinnipeds in Harbors and Human Safety

Since passage of the MMPA, seals and sea lions have been afforded protection from disturbance, harassment, and killing, thereby allowing them to occupy areas from which they would have been removed in the past. The result has been direct conflict between pinniped and human use at public and private beaches, public marinas, and private docks, and involves landowners, vessel operators, and beachgoers.

Pinniped interactions with humans also have expanded into the freshwater environment as pinniped occurrence in bays and upriver has increased. California sea lions have been observed more than 145 miles up the Columbia River at the Bonneville Dam and have interacted with sport fishers throughout the river. In the Willamette River, California sea lions haul-out on docks in the Portland, Oregon metropolitan area and prey on spring chinook and steelhead at the fishway at the Willamette Falls. Reports of California sea lions occurring far inland from the ocean are increasing in other areas such as the Nisqually River and Chehalis River in Washington and up the San Francisco Bay Delta as far inland as Antioch.

The Working Group found that the most frequently reported pinniped conflicts with humans are encounters on docks, marinas, and public beaches. In California, reports of problems with sea lions and harbor seals have been received from harbors in Humboldt Bay, Noyo River, San Francisco Bay, Santa Cruz, Monterey Bay, Redondo Beach, and **San Diego**. In Washington and Oregon, problems with California sea lions are

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commonly reported in harbors in Puget Sound, Washington, and in Astoria and Yaquina Bay, Oregon. Most problems reported are caused by California sea lions hauling-out on docks and boats. California sea lions have prevented owners from accessing their boats, boats have been fouled, and the weight of animals has damaged docks and small boats. Some small boats reportedly have sunk from the weight of the animals. Fishers at Cape Arago in Oregon frequently report California sea lions jumping onto their vessels and stealing bait. Sea lions also have been reported to have bitten people carrying fish and taken fish laid out on docks. The number of California sea lions hauled-out on Pier 39 in San Francisco increased from 6 to nearly 500 between 1990 and 1994, with a high of 627 in 1991. The City of San Francisco finally "gave up" the pier to the sea lions, as animals reacted aggressively when humans attempted to remove them, and it is now a tourist attraction.

Another indirect effect of increasing pinniped populations on human safety is the possibility of an increase in the number of large sharks that prey on pinnipeds. Although there have been a number of media reports that increased attacks on humans by the great white shark (*Carcharodon carcharias*) are related to an increase in the shark populations caused by increased numbers of pinnipeds in coastal areas, the Working Group found little scientific information on this issue. McCosker and Lea (1996) report that the majority of shark attacks on humans have occurred at or near the surface, near shore, and in the vicinity of pinniped colonies and/or river mouths. Recent information on changes in shark abundance and distribution resulting from the increased populations of pinnipeds comes from studies by Pyle et al. (1996) at the Farallon Islands. At the Farallon Islands, increased attacks on pinnipeds between 1987 and 1993 are attributed to increased numbers of white sharks in the area; prior to that, increased numbers of attacks were attributed to increased populations of elephant seals and sea lions (Pyle et al. 1996).

Although the previously cited study didn't seek to document evidence of the increased risk of sharks near pinniped haul out sites, the following statistics compiled by Ralph Collier at the Shark Research Committee indicates an increasing hazard to human safety because of increasing shark populations. This hazard is a foreseeable Danger [Attractive Nuisance] at Children's Pool and is related to the public health, safety and welfare under SDMC 126.0504 (a) because of the Children's Pool beach closure project.

The proposed action to close Children's Pool Beach to the exclusion of people will change the character of the public parkland and shore. The proposed project is designed to impose an unnatural human abandonment of the beach to be replaced by Harbor Seals. The City would be creating and maintaining a liability to a known hazard to public health, safety and welfare.

> Attractive Nuisance Doctrine: a legal doctrine which makes a person negligent for leaving a piece of equipment or other condition on property which would be both attractive and dangerous. Some jurisdictions have abolished the attractive nuisance doctrine and replaced it with specific conditions that would make property owners liable by applying rules of Foreseeable Danger.

In the O'Sullivan v. City of San Diego lawsuit, well known human hazards were noted in the decision the City had breached its obligation to maintain the park in a condition suitable for human use. Those hazards included the presence of wild animals on a man-made beach created for children's use. Those same animals are the primary food source for many species of large sharks known to be in the La Jolla area. A seal reserve puts out the welcome mat to those sharks and will endanger human lives.

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It is foreseeable that sharks will congregate in greater numbers with the increased seal population in and around the Children's Pool. Even though the overall shark population worldwide is declining for various reasons, shark sightings are on the rise in the waters off Southern California and in La Jolla. Several beaches in San Diego were closed several times the past two years because of shark sightings near shore. Other beaches had posted shark advisory warning signs. Artificially creating conditions to increase the number of seals near established swimming areas significantly increases the danger of shark attacks on humans. Beach closure will have the effect of increased shark presence contrary to common sense and SDMC 126.0504 (a) Health, Safety and Welfare and cannot be ignored.

While only a few attacks have been fatal, the steady increase in shark bite attacks can be linked to the re-establishment of pinnipeds populations near the site of those attacks. The population of Harbor Seals has reached it optimal sustained population and is near historic levels. The risk to swimmers has been shown to be directly increased by the presence of seals and sharks. The City of San Diego should not be causing conditions to attract a greater number of pinnipeds to the swimming areas of La Jolla.

Findings must be made under SDMC 126.0504 (a) for any development project that the development will not cause an increased hazard to public health, safety and welfare. This beach closure project is intended to create a beach void of people, for the exclusive use by Harbor Seals. This can only lead to the undesirable result of a greater presence of a food source for several species of large sharks known to attack humans. This condition will increase the risk to swimmer, divers and bathers for many miles along the La Jolla coast and not just near Children's Pool.

The following table documents the known shark attack incidents along the Pacific Coast from 2000 to 2012. This list was compiled by shark expert, Ralph Collier who has warned of the danger to humans with the presence of seals in swimming areas at La Jolla.

Note: Updated shark attack data from 2013 to 2019 was added in April, 2019 to this original document. All other content remains the same.

Annotated List of Shark Attacks along the Pacific Coast: 2000 – 2019

[Updated data to 2019 added to original document]

Pacific Coast Shark Attacks: 2000 - Present				
	Victim	Activity	Location	Outcome
29-Sep-00	P. E.	Surfing	Mavericks, Half Moon Bay, CA	Survived
4-Nov-00	C. S.	Surfing	"Bunkers" North Jetty, Humboldt Bay, CA	Survived
31-May-02	L. F.	Surfing	Stinson Beach, CA	Survived
21-Sep-02	R. R.	Surfing	Moonstone Beach, CA	Survived
23-Sep-02	G. T.	Surfing	Cape Kiwanda, OR	Survived
28-Nov-02	M. C.	Surfing	Salmon Creek, CA	Survived
19-Aug-03	D. F.	Swimming	Avila, CA	Fatal
28-May-04	B. C.	Surfing	Salmon Creek, CA	Survived
26-Jun-04	K. F.	Surfing	San Onofre State Beach, Trail 1, CA	Survived
15-Aug-04	R. F.	Diving	Ten Mile River Beach, Ft. Bragg, CA	Fatal
20-Aug-04	S. L.	Surfing	204s, San Clemente, CA	Survived
20-Sep-04	S. M.	Surfing	Gold Beach, OR	Survived

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1-Oct-04	C. W.	Surfing	Lifeguard Tower 16, Huntington Beach, CA	Survived
2-Oct-04	B. I.	Surfing	Pismo Beach, CA	Survived
10-Oct-04	P. DJ.	Surfing	Limantour Beach, Point Reyes, CA	Survived
11-Nov-04	B. K.	Surfing	"Bunkers" North Jetty, Humboldt Bay, CA	Survived
24-Aug-05	T. S.	Surfing	Scripps Pier, La Jolla Shores, CA	Survived
19-Oct-05	M. H.	Surfing	Salmon Creek, CA	Survived
21-Oct-05	C. R.	Surfing	Mouth of the Klamath River, CA	Survived
2-Nov-05	J. D.	Surfing	Ocean Beach, San Francisco, CA	Survived
3-Nov-05	T. W.	Surfing	Pillar Point, Mavericks, Half Moon Bay, CA	Survived
24-Dec-05	B. A.	Surfing	First Point, Tillamook Head, OR	Survived
18-Jan-06	M. L.	Surfing	Second Bowl, 'The Hook,' Santa Cruz, CA	Survived
17-Jun-06	J. P.	Diving	Monterey Plaza Hotel Beach, CA	Survived
31-Jul-06	R. M.	Surfing	Short Sands Beach, Oswald State Park, OR	Survived
29-Aug-06	T. L.	Surfing	South Jetty, Siuslaw River, Florence, OR	Survived
31-Oct-06	T. P.	Surfing	Siletz River, Lincoln City, OR	Survived
10-Dec-06	R. F.	Surfing	Dillon Beach, CA	Survived
30-Jun-07	K. Z.	Swimming	Will Rogers State Beach, CA	Survived
17-Jul-07	S. L.	Swimming	Faria Beach, CA	Survived
21-Jul-07	"Dan"	Kayaking	Bean Hollow Beach, Pigeon Point, CA	Survived
22-Jul-07	V. C.	Paddleboard	Malibu, CA	Survived
28-Jul-07	J. S.	Surfing	Imperial Beach, CA	Survived
28-Aug-07	T. E.	Surfing	Marina State Beach, CA	Survived
27-Sep-07	S. S.	Surfing	Moonstone Beach, Humboldt County, CA	Survived
30-Sep-07	A. S.	Surfing	Santa Monica Beach, CA	Survived
7-Oct-07	S. B.	Surfing	Venice Beach, CA	Survived
7-Mar-08	T. L.	Surfing	Dog Beach, Huntington Beach, CA	Survived
25-Apr-08	D. M.	Swimming	Fletcher Cove, Solana Beach, CA	Fatal
21-Jun-08	B.P.	Kayaking	West Cove, Catalina Island, CA	Survived
8-Sep-08	K. K.	Surfing	Surf Beach, Santa Barbara County, CA	Survived
20-Dec-08	T. J.	Kayaking	Dillon Beach, CA	Survived
6-Apr-09	R. A.	Diving	La Jolla, CA	Survived
11-Jul-09	B. H.	Paddleboard	San Onofre State Beach, CA	Survived
25-Aug-09	B. E.	Swimming	Terramar Beach, Carlsbad, CA	Survived
30-Aug-09	C. H.	Surfing	Huntington Beach, CA	Survived
24-Oct-09	S. B.	Surfing	San Onofre State Beach, Trail 5, CA	Survived
5-Nov-09	E. G.	Surfing	Lagunas, Santa Cruz, CA	Survived
16-Nov-09	J. W.	Fishing	Loch Lomond, San Rafael, CA	Survived
2-Jul-10	D. C.	Surfing	Silver Shoals at Shell Beach (Pismo Beach), CA	Survived
2-Jul-10	D. B.	Paddleboard	Dog Patch, San Onofre State Beach, CA	Survived
2-Aug-10	D. S.	Kayaking	5 Nautical Miles off Gaviota State Beach, CA	Survived
14-Aug-10	A. C.	Kayaking	Bean Hollow Beach, Pigeon Point, CA	Survived
27-Sep-10	D. L.	Surfing	South Jetty, Umpqua River, Winchester Bay, OR	Survived
22-Oct-10	L. R.	Boogie Brdg	Surf Beach , Vandenberg AFB, CA	Fatal

28-Oct-10	S. M.	Surfing	North Jetty, Siuslaw River, Florence, OR	Survived
6-Jun-11	J. S.	Diving	Reef near Children's Pool, La Jolla, CA	Survived
24-Jun-11	D. G.	Surfing	San Onofre State Beach, 'Four Doors', CA	Survived
11-Sep-11	B. R.	Surfing	Samoa Beach, Eureka, CA	Survived
10-Oct-11	D. N.	Surfing	'The Cove', Seaside, OR	Survived
20-Oct-11	B. G.	Surfing	South Beach State Park, Newport, OR	Survived
29-Oct-11	E. T.	Surfing	Marina State Beach, Marina, CA	Survived
22-Nov-11	H. P.	Kayaking	Pigeon Point, CA	Survived
6-Dec-11	?	Surfing	Seaside Cove, Seaside, OR	Survived
13-Jan-12	S. H.	Surfing	Nelscott Reef, Lincoln City, OR	Survived
6-May-12	R.M.	Paddleboard	near Avalon, Catalina Island, CA	Survived
12-May-12	J. N.	Kayaking	North of Leffingwell Landing, Cambria, CA	Survived
7-Jul-12	M. C.	Kayaking	Pleasure Point, Santa Cruz, CA	Survived
31-Jul-12	J. T.	Surfing	Topanga State Beach, CA	Survived
7-Oct-12	G. P.	Windsurfing	Davenport Landing, CA	Survived
23-Oct-12	F. S.	Surfing	Surf Beach near Ocean Park Beach, CA	Fatal
30-Oct-12	S. S.	Surfing	"Bunkers" North Jetty, Humboldt Bay, CA	Survived
25-Jun-13	M. F.	Kayaking	Linda Mar Beach, CA	Survived
17-Aug-13	W. Z.	Surfing	Pillar Point, Half Moon Bay, CA	Survived
31-Aug-13	N. K.	Swimming	Butterfly Beach, Santa Barbara, CA	Survived
6-Oct-13	J. S.	Surfing	"Bunkers" North Jetty, Humboldt Bay, CA	Survived
22-Nov-13	A. G.	Surfing	Gleneden Beach, OR	Survived
5-Jul-14	R. J.	Surfing	Oceano Dunes State Beach, Oceano, CA	Survived
2-Oct-14	M. M.	Surfing	Jack's Beach, Santa Barbara County, CA	Survived
3-Oct-14	? ?	Kayaking	Vandenberg AFB, Santa Barbara County, CA	Survived
3-Oct-14	R. H.	Kayaking	Vandenberg AFB, Santa Barbara County, CA	Survived
19-Oct-14	T. B.	Outrigger	Leadbetter Point, Santa Barbara County, CA	Survived
28-Dec-14	K.S.	Surfing	Montana de Oro State Park, CA	Survived
10-Jul-15	D.M.	Surfing	Huntington Beach-Lifeguard Tower 17, CA	Survived
18-Aug-15	C.L.	Kayaking	Gaviota State Beach, CA	Survived
29-Aug-15	D.P.	Surfing	Morro Rock, Morro Bay, CA	Survived
29-Aug-15	E.D.	Surfing	Morro Strand State Beach, Morro Bay, CA	Survived
6-Sep-15	C.G.	Paddleboard	El Pescador State Beach, Malibu, CA	Survived
24-Sep-15	D.K.	Kayaking	Horseshoe Rock, Santa Barbara, CA	Survived
29-May-16	M.K.	Swimming	Corona del Mar State Beach, CA	Survived
15-Jul-16	L.F.	Surfing	North Jetty at Surfside, Sunset Beach, CA	Survived
1-Sep-16	T.McQ	Freediving	Refugio State Beach, CA	Survived
17-Sep-16	Y.	Surfing	"Bunkers" South Jetty, Humboldt Bay, CA	Survived
10-Oct-16	J. T.	Surfing	Indian Beach, near Cannon Beach, OR	Survived
18-Mar-17	B. C.	Kayaking	San Carlos Beach, Monterey, CA	Survived
29-Apr-17	L. E.	Swimming	"Church", San Onofre State Beach, CA	Survived
11-Jul-17	S.L.	Kayaking	"Steamer Lane", Santa Cruz, CA	Survived
16-Jul-17	M. K.	Surfing	"South Beach" near the Jetty, Westport, WA	Survived

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20-Jul-17	B. J.	Kayaking	East Beach South of the wharf, Santa Barbara, CA	Survived
20-Jul-17	R. G.	Paddleboard	Seal Rock near Goleta Beach, Santa Barbara, CA	Survived
1-Aug-17	P. C.	Kayaking	Between Pescadero Point & Bean Hollow Beach, CA	Survived
24-Nov-17	A. G.	Freediving	Stillwater Cove, Monterey Bay, CA	Survived
30-Dec-17	N. J.	Surfing	Pt. Reyes National Seashore, Marin County, CA	Survived
25-Jun-18	J. W.	Outrigger	2 miles West of Oceanside Harbor Entrance, CA	Survived
27-Sep-18	E. K.	Kayaking	Shelter Cove, CA	Survived
29-Sep-18	K. H.	Diving	Beacon's Beach, Encinitas, CA	Survived
23-Oct-18	R. E.	Diving	Farallon Islands near San Francisco, CA	Survived
8-Jan-19	N. W.	Surfing	Sandspit Beach, Montana de Oro State Park, CA	Survived
18-Feb-19	J. S.	Surfing	Dog Beach, Huntington Beach, CA	Survived

This beach closure project will create a foreseeable hazard in La Jolla. There are alternative plans to better manage the Children's Pool without endangering human lives.

La Jolla Community Plan

The La Jolla Community Plan/LCP places high value on coastal access and resource protection and the community plan policies are all considered to have equal value. In addition, the Coastal Act recognizes the value of various, competing goals in Section 30001, it also sets out a strategy on how to resolve conflicts between those goals in Section 30007.5.
City of San Diego presentation to the La Jolla CPA, May 2, 2013.

The La Jolla Community Plan and LCP recognize the importance of the coastal dependent resources such as water based sports and recreation. Access to the water is required for many forms of coastal dependent recreation and as such, the access component to the shoreline at Children's Pool is given a high value. Taking that away that value through a process to declare an artificially protected beach created by a man-made seawall structure is not considering the value to the community. Public safety was the driving force to cause Ellen Browning Scripps to undertake the ten year process to design and construct the seawall to provide safety to less experienced swimmers and children in particular. Nothing has changed.

The rough ocean conditions found in La Jolla were tamed somewhat by the construction of the seawall. Public safety still requires the presence of lifeguards to protect human life. For too long, the consideration of human safety has taken a back seat to the emotional appeal of cute Harbor Seals at Children's Pool. Seals don't need the protection of the seawall nor do they need lifeguards to thrive. People do need those protections however and that should be the first priority of the City of San Diego to protect human life. Far too many City officials have failed to recognize the role of the seawall in promoting and protecting human safety as part of the primary duty of government in managing coastal resources like Children's Pool.

It is a myth that coastal access is maintained during any time of the year when a "guideline" rope is stretched across the Children's Pool Beach. Coastal access is significantly impacted by any logical interpretation of the intent and effect of the rope barrier. That barrier effectively closes the beach to people who see a rope

FOCP FRIENDS OF THE CHILDREN'S POOL LA JOLLA, CALIFORNIA

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barrier across an entire beach. That rope is there for a reason and allowing coastal access past a rope barrier is not one of the reasons. The rope barrier, backed up with a full time Ranger telling people to stand behind the rope, completes the illusion of a closed beach. The placement of the rope barrier and the actions of a Ranger, demanding compliance with the beach access restrictions by the City of San Diego, are improper and contrary to coastal access laws found in the Coastal Act and State Constitution. The pupping season rope is now in place year round to finally attempt to extinguish the people's right to ocean access all year long at Children's Pool. The all-out effort by the City to create an ESHA where it doesn't exist is illogical and contrary to the intent of ESHA designation. ESHA designation is intended to protect existing ESHA values and not to create those values where they do not exist. It is even more fictitious to claim the need to designate an ESHA at Children's Pool to protect a resource that needs no additional protection. An EIR would confirm the lack of CEQA review compliance and ESHA status.

"Of the 85 rookeries on and off the California coast, only two with historic human/pinniped interaction issues (Bolinas lagoon and Children's Pool), have no existing access restrictions."
City of San Diego presentation to the La Jolla CPA, May 2, 2013.

The City claims Children's Pool is one of two historic pinniped interaction areas in the State of California lacking ESHA designation. The major issue the City overlooked is the protected recreational uses in an established Tidelands Trust area, The Children's Pool Trust allows a man-made artificial seawall to form a beach and protected swimming area dedicated for use by children as a park and playground. All the other areas with ESHA designation cited by the City are wild coastal areas far from close proximity to urban setting. This is not the case at Children's Pool where it is an artificial embayment created to protect human recreational activities. An undefined and undeclared Marine Mammal Park, added to the existing permissible uses at Children's Pool, doesn't create a sensitive habitat for the purpose of ESHA designation. No amount of desire to declare sensitive habitat causes it to actually be so.

ESHA designation is unwarranted because of the unique history and nature of Children's Pool. There is only one Children's Pool. There are no other man made intertidal coastal pools anywhere in the continental United States created specifically for a children's park and playground. In other locations where man made tidal pools have been created, primarily in Hawaii and Australia, they are protected and managed for the intended use as a human recreational resource. As such, the Children's Pool has a great value as a coastal resource which no amount of hope and wishing and emotional investment in seals can change.

Children's Pool is forever linked to the generous nature of Ellen Browning Scripps as a major figure in San Diego history. Her legacy is unique and special for the residents of San Diego. Scripps intent for the use of the Children's Pool is protected in State Law. The seawall structure and Children's Pool qualifies for State and Federal historical landmark designation by the undeniable association to Ellen Browning Scripps and the historic landmark she gave to the City.

The California Coastal Commission staff recently stated there is a dedicated user group (actual beach and ocean users as opposed to those visitors who just look at the ocean and beach) at the Children's Pool and advised the City to not use ESHA designation to try to close the beach. They apparently recognize the

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incorrect application of ESHA to the beach at Children's Pool. The City should accept the advice or produce verifiable scientific evidence which shows otherwise. They have not done so.

Unlike the unique landmark seawall and pool, Harbor Seals are the most common pinniped species and are distributed throughout California and in San Diego. They are known to haul out at two other local sites on a regular basis. Marine Biologist Doyle Hanan, PhD states in an IHA application for the City of San Diego's lifeguard tower project at Children's Pool,

"This is one of three known harbor seal hauling sites in San Diego County (also observed at north end of Torrey Pines beach and in a cave on the exposed ocean side of Point Loma)."
Hanan & Associates, 2012 MMPA IHA application for the Children's Pool Lifeguard Tower (citation link below).

Throughout California there are a thousand sites they are known to haul out and hundreds where they give birth. (Hanan, 2004) Nearby offshore islands provide a natural haul out and birthing sites where they are permitted to live undisturbed due to the remote locations far from urban development. While the presence of seals at Children's Pool is interesting and enjoyable, they are not dependent on the Children's Pool site to continue to thrive. They are not particularly valuable or rare as is required for ESHA designation. Minor disruptions to the seals have not been proven to cause any significant impact on their natural lifecycle. Noted Marine Biologist and Harbor Seal expert, Dr. Doyle Hanan, stated this fact in a declaration to the Superior Court in O'Sullivan v. City of San Diego that the individual animal or the species as a whole are not dependent on the continued use of Children's Pool.

Harbor Seals are at or very near their Optimum Sustained Population (OSP) levels throughout their range. At Children's Pool they have reproduced beyond their resource base and are spreading to nearby beaches. Any claim they are significantly impacted by human interaction that occurs at Children's Pool, is demonstrably untrue. Their increasing number of successful births is telling. Every year many more seals born there than the year before. The mortality rate of Harbor Seals at Children's Pool is significantly lower than what is observed in the wild likely because of the artificial protection of the beach behind a man made seawall. The claimed harm to the seal colony by human activity is fictitious and unsupported by facts.

The City of San Diego has obtained authorization to begin demolition and reconstruction of the lifeguard tower at Children's Pool. The Incidental Harassment Authorization [IHA] documents the lack of significant impact on Harbor Seals due to the construction noise/activity. There is an unusually high tolerance of these seals to human activity. The December to May beach closure appears to be unnecessary since there has continued to be increasing numbers of Harbor Seal births at Children's Pool. The IHA goes on to state the following about the habituation of seals at this site:

> **Potential Effects on Marine Mammals**
> *Behavioral disturbance may potentially occur as well incidental to the visual presence of humans and demolition/construction activities; however, pinnipeds at this site have likely adapted or become habituated to human presence at this site. Large numbers of people come to the site to view the pinnipeds at all hours and they perform many activities that can disturb pinnipeds at other sites, but this often does not occur at Children's Pool as they seem to have habituated to human presence and associated noises (Hanan & Associates, 2004; 2011).*

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Takes of Marine Mammals Incidental to Specified Activities; Demolition and Construction Activities of the Children's Pool Lifeguard Station at La Jolla, California. https://www.federalregister.gov/articles/2013/05/03/2013-10529/takes-of-marine-mammals-incidental-to-specified-activities-demolition-and-construction-activities-of#h-16

In a May, 2004 report, *Biological Letter Report and Recommendations for Construction Regarding Pinniped Surveys at Children's Pool* commenting on the reconstruction of the Lifeguard Tower at Children's Pool, Dr. Hanan made the following observation on the minor impact on Harbor Seal behavior from typical human activity and noise:

5.0 POTENTIAL FOR DISTURBANCE

Harbor seal behavior at Children's Pool is very interesting considering the constant presence of people (Table 7) on the sea wall, the upper beach, and the walkways near the street and above the beach at the lifeguard tower. People are present at all hours day and night. Dr. Hanan observed people doing things that would cause harbor seals at most hauling sites to flush into the water. For example: people were observed laughing, shouting, screaming, clapping, stomping, banging on the railings and signs, taking flash pictures, dropping objects from the sea wall, climbing down the sea wall to the rock ledge next to the seals, wading, snorkeling and swimming nearby, entering the water to

SCUBA dive, and from the street above honking horns, slamming car doors, setting of car alarms, and many of the other noises associated with a street. Airplanes and helicopters flew over and boats went by. Whales swam nearby and spouted. Harbor seal reaction to all these actions varied with occasional minor flushing (6-12 seals). Loud startling noises (i.e., banging on signs) sometimes caused a few seals to flush into the water but they returned to the beach shortly. Generally the main stimulus to flush large numbers of these seals was people on the beach near the seals or at the water's edge but total numbers of seals following the disturbance did not seem affected long term.

LAND USE AND PLANNING

A common claim is made that the seals at Children's Pool attract "a million visitors a year" yet, nowhere is that claims supported by fact. The original estimate was based on lifeguard estimates of the number of people within their purview as they watched over the waters and general area in and around Children's Pool. Those estimated included visitors from Scripps Park to the north and to near Hospital Point to the south. Those estimates have never been verified. Nor were they correlated to the number of visitors seen in the area of Children's Pool or the actual number of people who were there to see seals. There is no data to make the claim of any specific number of visitors at Children's Pool to view seals. Economic value to the tourism industry by seal tourists therefore cannot be verified and any claim of such value must be disregarded until fully verified through an EIR.

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Are the seals an incidental attraction to a visit to La Jolla with another purpose? That is unknown because there never has been an attempt to scientifically verify the claim. La Jolla has been a tourist destination for over a hundred years. The number of visitors has steadily increased as the ease of travel and quality of accommodations has improved. The true "seal tourist" has yet to be identified by survey and study. To claim most visitors to La Jolla are seal tourists is unrealistic and unverified.

What is commonly understood is the demand for water related activities will increase with an increased human population in San Diego. Children's Pool Beach closure will cause significant negative impacts to current and future demand. No traffic, transportation, parking or public safety demands were considered to alleviate the likely negative impacts of creating a seal reserve in an urban setting.

An environmental study might give some credibility to any claim of economic benefit from seals only tourism. Since there has been only unsupported claims to a benefit, any claim of economic impact must be disregarded and never be used as a basis to convert one established land use to another without the proper study.

"The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources".
[City of San Diego presentation to the La Jolla CPA May 2, 2013]

The significant coastal resource at Children's Pool is the unique and historic resource of the Children's Pool Seawall itself which created the safe conditions for human use. The Harbor Seals present there are only an additional attraction but not the exclusive and preemptory resource they are made out to be. All uses at the Children's Pool, enumerated in the State Trust and protected in the State Constitution must be accommodated with proper management. The City claims conflict with the policies of the "division" (Coastal Act) which preclude the use of Children's Pool for human recreation. There is no conflict. The thriving Harbor Seal population at Children's Pool verifies the minor and temporary nature of human impacts to the seal colony.

Beach closure is a thoughtless shortcut; not proper resource management.

Please reconsider the Draft Negative Declaration and conduct a full Environmental Impact Study to determine the true impacts of closing Children's Pool beach.

Respectfully submitted,



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Analysis of Beach Access for Disabled Visitors at The Children's Pool.

April 29, 2019

Ellen Browning Scripps donated a considerable fortune to build the protective breakwater to create Children's Pool. Her goal was to provide for the safe use of the ocean for all San Diegans but primarily the City's youth and those "handicapped in life's game". First and foremost, among all other considerations, it was donated "as a gratuity to children". The "Scripps Swimming Pool" is a very popular community gathering place and has been used by generations of families until the City of San Diego lost sight of the purpose for the Children's Pool.

Disabled persons and people with limited mobility cannot be excluded from safe and convenient access to the sheltered beach at Children's Pool. During an ADA lawsuit, Robertson v. City of San Diego, the City Attorney hired Jeremy Hollins, who is well versed on the construction history of Children's Pool. He was hired by the City to offer his opinion of the impact on historical resources if a fully ADA compliant beach access ramp were to be constructed. Hollins has written extensively about the dedication and opening of the pool in 1931. He has a good, chronological working knowledge of the history and the people instrumental in the construction of Children's Pool. However, Hollins qualifications fell short when he declared an ADA accessible ramp as unsuitable for the location. It is common for ramp structures to be carefully added to historic sites to serve the disabled community. Hollins' opinion about ADA access is not consistent with current ADA law. Perhaps his opinion reflected only the desired outcome sought by his employer. His paid opinion showed a lack of understanding for the cultural history of Children's Pool and the community it has served for eight decades.



The intended beneficiaries of the Scripps gift of the Children's Pool is indisputable. The State, in granting a transfer of tidelands to the City of San Diego, created a dedicated park, playground and bathing pool for children. The protective seawall was built along the rocky La Jolla shoreline for use by all the citizens of San Diego. It created a pool that was wonderful a gift to the people of San Diego. The Jeremy Hollins' own 2005 Journal of San Diego History article highlights the true nature of the purpose of the Children's Pool in a quote from Ellen Browning Scripps: "*I have always had an innate interest in children, particularly those handicapped in life's game." While the creation of a breakwater would ultimately benefit all visitors to La Jolla's beaches, she wanted "the children to have a primary*

claim" to such a structure." For decades its highest use was to safely teach children to swim in the ocean in a safe and protected environment. To deny this would be absurd.

- **A MULTIPURPOSE BEACH ACCESS RAMP**

This discussion centers on the suitability of a ramp structure to provide access to all the community's citizens including the disabled. A new multipurpose ramp would not only benefit the disabled but would likely be the best beach access option for all visitors who want to avoid the steep, narrow and crumbling stairs of the "historic" original stairway structure. During the decades the existing beach access ramp was open for public use it was the primary access point to Children's Pool for all visitors. The City has deliberately avoided repairing the historic stairs hoping to avoid triggering mandatory compliance with ADA law and build a new ADA compliant ramp. Current case law no longer imposes that mandate.

It is particularly objectionable when the City denied the existence of any historical significance when it suited their agenda. History has shown that the City wants to completely change the character of the Pool as they create a closed animal reserve or "Marine Mammal Park" for the amusement of tourists. That alone is contrary enough to the intended purpose of this site but the City continues to push for the complete transformation of this historic recreational site. To appease animal rights activists, the City closed the park for a single special purpose to the exclusion of all other purposes. The State Tidelands Trust (Children's Pool Trust) does not support that single use as an animal reserve.

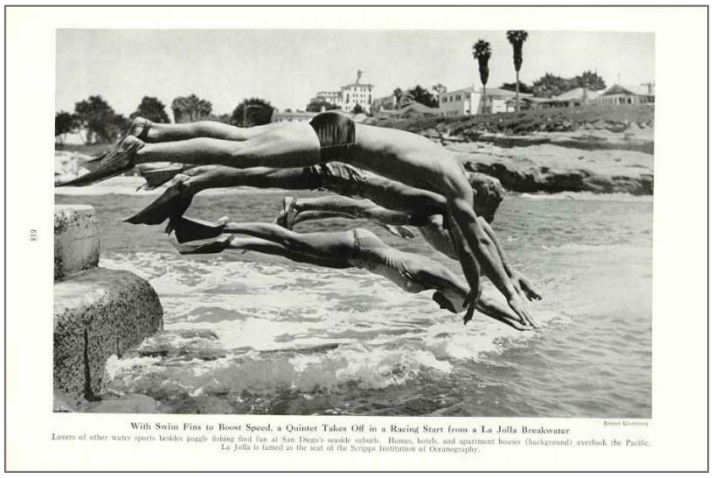
The City's agenda is revealed through their refusal to provide equal access to disabled citizens. They were granted a Coastal Development Permit for a "seal viewing guideline rope" on the beach and yet provides no access for disabled visitors to get to that development. The disabled have become victims of this faulty logic when the City is allowed to circumvent ADA guidelines and their legal obligations with a self-serving denial of feasibility to improve access for the disabled. ADA law requires "reasonable accommodation" to all City facilities. Current case law does not require a fully compliant ADA access ramp to the beach at Children's Pool. A repaired ramp would provide that "reasonable accommodation" and CDP conditions compliance.

The gracefully arching breakwater wall provides an increased measure of safety to the citizens of San Diego by reducing the dangers of high surf pounding the rocky shoreline in the heart of La Jolla. The City's historian noted the complementary nature of the breakwater wall in his 2005 article in the Journal of San Diego History: *"The breakwater embodied several principle of organic architecture. It was harmonious to the environment's natural features and it complemented the existing conditions of the site."* There is nothing to prevent those same design considerations for a new or repaired access ramp by blending it in completely with this site.

- **MODERN LIFEGUARD SERVICE PROTECT SWIMMERS AT CHILDREN'S POOL**

The Casa Beach location was originally known as "The Pool" in the community of La Jolla. It was the obvious location to build the protective seawall that created The Children's Pool. Over the years, police and lifeguards provided lifesaving assistance to distressed swimmers and bathers. During the past hundred years, there have been two permanent lifeguard stations built and a third station was just completed. With each succeeding lifeguard tower there have been improvements and changes to reflect the changing demands for beach access and a modern lifeguard service. All previous lifeguard towers at Children's Pool had historical significance and were eligible for historic designation. That didn't

seem to concern those in the City government who conveniently rediscovered the historic significance of this location when it suited their agenda to deny equal access to the disabled when they denied access to the existing beach ramp.



With Swim Fins to Boost Speed, a Quinter Takes Off in a Racing Start from a La Jolla Breakwater
Lovers of other water sports besides goggle fishing find fun at San Diego's seaside suburb. Homes, hotels, and apartment houses (background) overlook the Pacific. La Jolla is famed as the seat of the Scripps Institution of Oceanography.

The City attempted to win the Robertson v. City of San Diego lawsuit at all costs by claiming an access ramp "inappropriate" to the site. This is very revealing of City motives far beyond the issues of the ADA case. It turns out this was the City of San Diego's last ditch attempt to defend an indefensible position opposing equal access for disabled visitors. The Robertson lawsuit may have finally caused them to acknowledge the cultural significance of Children's Pool even though they have tried to ignore the significance many times to suit their agenda.

- **HISTORICAL SIGNIFICANCE OF CHILDREN'S POOL**

The historical significance is found not only in the form and shape of the concrete and steel of the seawall/breakwater and the stairway. It is also about the people who made this happen and the millions of people who have used the pool over the past decades. It is necessary to look beyond the structures of the Children's Pool to see the value to the community serving as a public park and ocean playground for so long. A historic location is not made so only by the materials it is constructed with but rather it is from the people who value it and events that occurred there. The decades of recreational use by the thousands of families, children, fishermen and watermen have shaped the significance and character of Casa Beach into the wonderfully historic Children's Pool. It has become part of the fabric of the community by it use as a park and playground for all of San Diego. It was not intended for just a single special interest purpose. Sadly, City officials lost sight of that long ago and now wish to deny use to the very people it was created for who could benefit most from Miss Scripps gift.

- **NO ACCESS FOR THE DISABLED BUT DO CHANGE THE USE TO AN ARTIFICIAL ANIMAL RESERVE**

The City's belated recognition of the historic significance of Children's Pool only came about after an ADA lawsuit was filed.





Jack Robertson is a paraplegic wheelchair user and an accomplished ocean swimmer. He ran out of options in attempting to get to the shore at Children's Pool and filed his lawsuit to bring the City into compliance with the American's with Disabilities Act. This all could have been avoided if he were not explicitly and regularly denied use of the existing beach access ramp by City officials. Without his lawsuit, the historic value of Children's Pool might have been buried by the City in their shortsighted quest to avoid ramp repair and maintenance costs. Instead, they

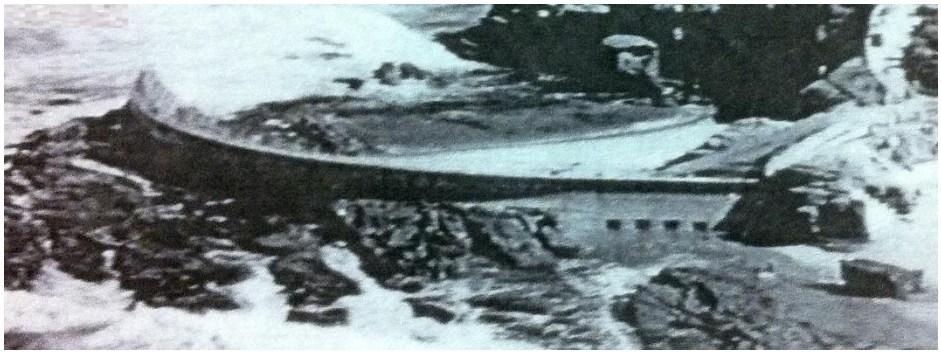
chose the course of least resistance by appeasing animal rights fanatics demanding the Children's Pool be closed. Where children once held primary claim to this man made tidal pool, the historic value of the site is being relegated to the dustbin of history as the City attempts to create a misplaced "Marine Mammal Park". Bit by bit, as more activities are banned, the historical value is lost.

It is important to recognize the engineering achievements at Children's Pool's and significant people in San Diego's history. It is odd that City officials during the Robertson lawsuit only found historic significance when asked to provide access to a beach where they have already so thoroughly and thoughtlessly changed the character and nature of the site. For City officials to now claim a small improvement to an existing access ramp would be inappropriate and not feasible, is self-serving and indefensible.

- **OPTIONS TO RESTORE SAFE AND SANITARY CONDITIONS ON THE BEACH**

In O'Sullivan v. City of San Diego, Judge Pate noted the City's neglect of the Children's Pool and ordered restoration to the 1941 condition. He ordered sand removal because of years of buildup of excess sand in the pool. The cause of that sand buildup was the sealing of the sluiceways in the breakwater wall. In 1931 when the sluiceways were open as designed, there was very little sand in the pool. So little sand accumulated that Scripps' engineers and City officials experimented with closing the wood and iron gates in the sluiceways to block the flow of water through the seawall and create a small beach in the pool. Those gates were intended to be removable to regulate the flow of sand into and out of the pool as needed. The date and reason why those gates were sealed with concrete plugs to semi-permanently close the sluiceways is lost to history.

In 1998 the City once again recognized the utility of those sluiceways to prevent excess sand buildup and tidal flushing. They ordered an engineering study to reopen the sluiceways. It was completed by Testing Engineers Inc. and it was their opinion that the sluiceways could be reopened and the historic breakwater structure could be restored to its full function. The City chose not to complete the project and the result was more trapped sand and pollution levels increased. The historic Children's Pool was beginning to be lost to neglect.



❖ **ENVIONMENTAL IMPACTS FROM CHILDREN'S POOL BEACH CLOSURE**

As part of its obligation under CEQA, the City prepared a Negative Declaration document for the Children's Pool Beach Closure Project. In it they erroneously claimed no impact on historical or cultural resources from beach closure and conversion to a closed marine mammal reserve. The City dismissed the observations documented by dozens of concerned citizens well versed in the historical, cultural and environmental impacts of the City's ongoing mismanagement of Children's Pool.

In their own 2009 EIR for a beach dredging project (DSD Project 71362) one option considered was beach closure that they deemed to cause "*significant impact*" from overuse of nearby facilities at The La Jolla Cove. See A-23 below.

Excerpts from public comments about the significant impacts to historical and cultural resources from the City's Children's Pool Beach Closure Project:

A-21 This project has "Potentially Significant Impact" to cultural values. Children's Pool was featured in 1949 National Geographic article highlighting the sport of goggle fishing (spearfishing) which originated in the United States at Children's Pool in La Jolla. Historic use by families, fishermen and children for whom the pool was built, will be denied without consideration or mitigation. Closing this historic beach and causing traditional uses to be done elsewhere will have significant impacts to the Children's Pool site itself and the limited surrounding areas suitable for that use. The misleading rope barrier at Children's Pool strongly conveys the illusion of closure of the Children's Pool.

A-22 The City seeks to continue this encroachment year round without scientific justification or basis in fact. Harbor Seal pupping season at this latitude has a well-defined but limited date range and yet it has been extended to year round status with no scientific study by the imposition of a rope barrier placed year round. The placement of the rope barrier has already heavily impacted nearby parkland at Scripps Park and the La Jolla Cove even during the low beach use season in winter and spring. The impact will be even greater during the summer and fall months.

A-23 Swimmers and divers have traditionally used Children's Pool as a safe location for ocean access for decades. They have been forced to use the La Jolla Cove instead as the only other protected and safe ocean access. This shift has impacted the La Jolla Cove negatively as the facilities there are overrun.Fishermen have been excluded from the La Jolla Cove for decades after the creation of an ecological preserve in La Jolla Bay. That leaves the one remaining sheltered ocean access point at Children's Pool. If the Children's Pool were to be closed it would cause a significant impairment to fishing rights and public safety when spear fishermen are not allowed through the safe access at Children's Pool. A thorough environmental impact study, would confirm this negative and potentially significant impact on the La Jolla Cove. The City's Draft Negative Declaration does not address the foreseeable impacts created at the cove. The following quote from the City of San Diego's 2009 Beach Dredging Environmental Impact Report for DSD Project 71362 is telling. The environmental study recognized the impact of beach closure by considering the impact to recreational use at the Children's Pool. Although the closure never occurred,the impact was determined to be "potentially significant" in the conclusions of that study. Now, under the current Draft Negative Declaration, the change of status to close the beach is excused as having no significant impact. It cannot be both. The City's own EIR declared significant impacts of beach closure in the 2009 beach dredging EIR.

And the City's nearly automatic denial of impacts:

A-21. Comment noted. CEQA Guidelines Section 15064.5(b)(1), "Determining the Significance of Impacts to Archaeological and Historical Resources" reads as follows:

> Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.
>
> "Materially impaired" is defined in Section 15064(b)(2) as a demolition or material alteration which alter the physical characteristics of the resource which account for its inclusion in a register or that convey its historical significance.

The project would not physically alter the site; therefore, no significant impacts would result.

There was a significant impact foreseen by beach closure. The traditional uses of the beach were banned and the traditional human activities at the Pool were made illegal. The result was no human use of the Children's Pool from December 15 to May 16 every year for five years. This constitutes a significant impact on the historical and cultural significance at the site. It causes overuse of nearby facilities. The City agreed with itself and its own staff report in accepting their Negative Declaration in violation of CEQA standards.

A-22. Comment noted. Refer to Response No. B.3 for an accurate Project Description .

A-23. Comment noted. As the commenter notes, the City of San Diego prepared EIR No. 71362/SCH No. 1999011060, for a separate project which included Beach dredging. Refer to Response No. B.3 for a description of the project that is the subject of this Negative Declaration. The Negative Declaration evaluates recreational impacts based on direct, observational counts of people recreating on the beach, *Department of Park and Recreation "Children's Pool Park Ranger Observational Counts – Children's Pool Use Survey, February 29 May 15, 2012"* and describes the analysis and conclusions in Section XIV iv Public Services - Parks. The analysis of this data, and the fact that the closure of Children's Pool beach for this project is an annual temporal one occurring December 15-May 15, led to a conclusion of a less than significant impact regarding Parks and Recreation, in that" the project would not significantly increase the demand on existing neighborhood or regional parks or other recreational facilities over that which presently exists." Further, as noted by the California Coastal Commission in 2011, as part of their review of the year round rope barrier, "There are several beaches located adjacent to or in close proximity to the subject site including La Jolla Shores, Marine Street Beach, La Jolla Cove, Whispering Sands Beach, Shell Beach, South Casa Beach, and Windansea. Many of these beaches are within walking distance of or a short drive from Children's Pool Beach and offer public amenities such as permanent restrooms, showers, additional parking, and lifeguard facilities."

❖ **THE CITY MIS-REPRESENTED BASELINE DATA IN THEIR CEQA ANALYSIS [Negative Declaration]**

The City's ambition to close Children's Pool did not begin in 2012 as the City has claimed when determining a "baseline" for impact comparisons under CEQA. Restrictions on beach access, that should have been part of a CEQA analysis, were initiated by the City long before 2012. In the O'Sullivan v. City of San Diego lawsuit in 2005, Judge Pate ruled the City breeched its obligation under the State Tidelands Trust (Children's Pool Trust) to maintain the Pool in a condition suitable as a public park. The City began seal protective policies starting when the first lifeguard put the first barricade around a hauled out harbor seal on Children's Pool Beach sometime around 1996. The result has been an ever increasing impact on beach access for the people of San Diego and a buildup of animal waste buried deep in the sandy beach at the Pool.

An analogy would be in a long running embezzlement crime case where the perpetrator was only recently caught embezzling money from his employer. The suspect might admit to have only taken a certain amount of money illegally in the past two years but the decade long scheme to unlawfully take money would certainly be brought in as evidence and not dismissed. The City's Negative Declaration used the same tactic to ignore beach access restrictions prior to 2012 in their Negative Declaration baseline. The City's policies have caused a significant increase in the use of the Children's Pool Beach by Harbor Seals and thereby an increase in animal waste pollution. It is illogical to think the past policies of the City have had no impact on the environment of Children's Pool.

<u>All policy changes by the City in the past two decades have been to avoid responsibility for the conditions their bad beach management policies have caused.</u> What started as a simple A-frame barricade to protect a seal on the beach twenty-five years ago turned into a seasonal barrier rope, into a year round rope then to a five-month beach closure. The City trajectory is unmistakable. Avoid costs by prohibiting human access to Children's Pool. Is that the intended outcome from the Coastal Act?

❖ **ENHANCED OCEAN SAFETY AND ACCESS FOR THE DISABLED**

Demolition of the last lifeguard tower was done without consideration of the historic significance of the structure to clear the way for an updated lifeguard tower. It was necessary to fulfill the important mission of the lifeguard service just as ADA law required upgrades for the disabled.









The new lifeguard station was built to enhance public safety services to the community residents and visitors. The design and location was the subject of many hours of discussion by the local community and the City of San Diego. ADA restroom and shower facilities were installed but without improving access all the way to the beach. The new tower is nothing like the old "historic" 1960's era lifeguard tower that was demolished to clear the way for the new building. It is far different in design and function than the old tower and is complementary to the location; historic designation or not. Those same upgrades to essential services should not have ignored the need for improved beach access for the disabled and elderly. In the current beach closure permit the Coastal Commission recognized the need for improved disabled access to the beach. The City must be held accountable to provide safe ramp access to the beach at Children's Pool.

- **THE RAMP CONTINUES TO DETERIORIATE AND IS NOW COMPLETELY BLOCKED**

The beach access ramp at the Children's Pool was neglected by the City and was allowed to deteriorate badly over the years. Instead of repairing the ramp to continue public use, the City locked this only access ramp to the ocean within three miles. Visitors who could not use the steep stairs were blocked from using the ramp by City officials. Instead, they were directed to use the boat launch area at the La Jolla Shores. A very dangerous option. Where beach wheelchairs are provided by the City's Programmatic Disabled Access it redirects the disabled beach user to wide sandy beaches (La Jolla Shores and Pacific Beach) with potentially large surf most of the year. Children's Pool provides the best conditions for the disable swimmer and should be part of the City's Programmatic Access policy.

Blocking historic access is a violation of the California Coastal Act. Sometime in the 1990's the City locked the gate to the historic access ramp. The ramp was commonly used by the public since the 1940's. That gate was open only intermittently after that. In 2016 the City constructed an unpermitted concrete barrier across the ramp contrary to their own Coastal Development Permit (CDP) for the new tower. That CDP called for a ramp for emergency vehicle access to the beach. The new barrier wall makes that impossible. The disabled, wheelchair bound veterans, the elderly and families with strollers and wagons were prevented even more from any access to the beach.

The City clearly has an agenda to avoid the cost to repair the ramp at Children's Pool. The repairs needed to make this ramp useful to for public access are minimal. The City goal is year round beach closure and cost avoidance and to achieve that goal, they have disregarded the requests by the local community advisory boards and simple accommodation for the disabled.

❖ **REQUIRED CONDITIONS FOR ANY FUTURE PERMITS**

In addition to implementation of standards of improvement for clean sand and water, the City should consider all possible design and construction options for the repair of the public beach access ramp for the disabled.

- ✓ Repair the existing ramp using construction techniques to blend with the natural bluff contours of the location. The use of colored, non-slip concrete surfaces will make the ramp safe for public use once again.
- ✓ Use natural colored shotcrete bluff stabilization techniques, where needed, similar to those techniques used to reinforce the new lifeguard tower to reduce the visual impact of the repaired ramp.
- ✓ Design the ramp to including architectural design elements of the historic stairway, breakwater wall and previously installed structures at Children's Pool and South Casa Beach. An example might be a design element of 18-inch-tall concrete steps to replicate the Sunshine Steps built into the breakwater wall.
- ✓ Create an entirely different design for a new ramp that is complementary to the location. This ramp could be of such a unique design that it would be considered a functional work of art or a sculptural element on display.





In any circumstance, the Coastal Commission should not issue permits allowing the City to do nothing and continue to circumvent ADA law by denying equal access to the disabled, elderly and persons with limited mobility. The Coastal Commission asked the City to investigate options. After five unproductive years, the City returned with a request that they be allowed to do nothing to improve access.

So much of the City's application for the permit application has a familiar but disingenuous theme; we the City, are unwilling to do anything to improve conditions so let us continue doing nothing. The Coastal Commission cannot allow a public beach to be so greatly impacted by City policies and walk away without holding them responsible to mitigate those impacts.

Children's Pool offers an outstanding opportunity for ocean swimming access for the disabled. This opportunity should not be wasted by closing the beach and ignoring the needs of disabled visitors.

Clean water and clean sand with beach access for everyone.

Kenneth L. Hunrichs, President



Friends of the Children's Pool

FRIENDS OF THE CHILDREN'S POOL
LA JOLLA, CALIFORNIA

May 6, 2019

California Coastal Commission
San Diego District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Re: Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits.

An urban myth is being created by the City of San Diego and seal advocacy organizations about the reason police calls to Children's Pool dropped after the beach was closed. This myth is promoting a self-serving misinterpretation of the cause and nature of calls for police services during the peak of public disturbances over conflicting beach management policies at Children's Pool.

The drop in police calls to Children's Pool is being attributed to a drop in "seal related" calls after the beach was closed. In fact, the number of calls dropped because the relentless harassment of visitors by aggressive seal activists finally ended at Children's Pool. Any claim that this drop is "seal related" is greatly oversimplified. The flawed analysis of raw data alone does not take into account the nature and cause of the calls and their outcomes. This deceptive analysis is invalid and should be used as a reason to justify the extension of the beach closure permit.

The City of San Diego and the Seal Conservancy (SC), are misinterpreting the data represented in records of police calls trying to show a decline in police service requests being strictly correlated to the closure of Children's Pool Beach. Instead of being "seal related", the calls are mostly related to the bad behavior of seal activists harassing visitors at Children's Pool. Check with the City Ranger. He probably enjoys a more peaceful day at work at a closed beach, but he knows the actual cause of the police calls.

This myth is an attempt to deceive the Coastal Commission into believing the only source of those calls were unbiased bystanders seeking to restore order at the Children's Pool. Nothing could be further from the truth. There is a suspicious underlying organization responsible for nearly all of the calls for police assistance. City Officials were justifiably fearful of large scale protests by activist organizations seeking national media exposure. [See attached "Children's Pool Compliance Plan"] That fear of even more protests and disturbances prevented the City from fulfilling their obligations under the State Tidelands Grant at Children's Pool. Fear of unruly mobs seems to have unduly influenced the City's decisions. The quick and cheap way out of their problem was to propose an unwarranted beach closure that is not consistent with the State Tidelands Grant for Children's Pool or the Coastal Act.

While I do not challenge the police call data provided by the City, the interpretation of that data by the SC and the City of San Diego is faulty. Both entities are promoting their own interpretations but I am suggesting there is a more accurate way to make conclusions about the police records and why calls for service have dropped.

I reviewed the records of police calls to Children's Pool from the past ten years. Some records were obtained by me in a California Public Records Act Request (CPRA) to the City of San Diego and some were obtained by viewing data on the Seal Conservancy (SC) website. http://sealconservancy.org/documents/Police_Calls.pdf

A close look at the descriptions of the nature of the calls shows the reason for most of the calls to the police can be attributed to one of three categories or types of calls.

- **Self-Appointed Vigilantes:** The first category of calls were made by Children's Pool visitors who were being harassed by self-appointed vigilantes trying to prevent beach use. There were two well-known activists who worked for the Sealwatch organization. They regularly harassed visitors on the beach [from their outpost overlooking the Children's Pool from the sidewalk at an unpermitted vending table on the sidewalk]. Arguments frequently started if a visitor didn't comply with the activist's advocacy for beach closure or if they dared to go onto the public beach and were yelled at for doing so.

  One of the Sealwatch activists frequently used an amplified bullhorn to shout at people on the beach [an unenforced municipal code violation]. Another activist constantly used a video camera to record visitors on the beach. When beachgoers returned to the sidewalk area, that camera was shoved in the faces of beach users with threats of turning in the video to the NOAA seal hotline even though they had done nothing. People were followed to their cars and accused of seals being harmed by the beachgoers visit.

  Simply being on the beach frequently drew the unwanted attention of these two particularly aggressive activists. City officials were aware of the situation and did nothing. They stood by and watched innocent citizens being harassed.

  Most visitors were greatly offended by the activist's behavior. Many regular visitors and local residents were driven away for good. Public access to the beach was being curtailed by vigilantes. Arguments often started because of the harassment. Police calls increased because of the public disturbance. The aggressors would then claim to be fearful of the people they had been harassing and called the police. The overwhelming majority of that type of call was the result of the bad behavior of the seal activists. When those agitators went away, their harassment stopped along with their self-generated disturbances. It was not "seal related".

- **Crowdsourced Vigilantes:** This second category of calls to police describes a condition frequently seen on the Children's Pool sidewalk when uninvolved visitors to the area were whipped into near riotous frenzy by Sealwatch activists claiming harm was being done to seals. The anger and hostility whipped up was directed at anyone daring to step foot onto the beach. It didn't matter if seals were present or not. The agitated group of visitors were being misled and transformed into the crowdsourced vigilantes of the Sealwatch organization.

  Most of the ill-informed visitors drawn into the harassment had no knowledge of the situation at Children's Pool but were deceived into thinking harm was just about to happen to seals in the area. Many of those visitors expected to be able to come to Children's Pool to see seals on the beach anytime and whenever the visitor showed up just like they had come to expect at Sea World or the Zoo. Their disappointment was cleverly redirected into anger towards the people on the beach by Sealwatch activists. People on the beach could not escape the taunts and jeers directed at them for no good reason other than being on a public beach. Rocks were

thrown at beachgoers. Police were often called by visitors not knowing if they could escape the area because they would be forced to "run the gauntlet" through the stairway to escape the Children's Pool Beach. The stairway was frequently blocked by the agitators trying to stop visitors from going onto the beach.

- **First Amendment**: A third type of call to police were initiated by City authorized permit holders to set up information tables on the sidewalk at Children's Pool. The City has a policy to regulate park use by issuing permits to groups using their First Amendment free speech rights to advocate for a cause. At that time, there were two such groups. One unified group was Friends of the Children's Pool (FoCP), [also known as Children's Pool Friends in conjunction with the San Diego Council of Divers.] The other group was Sealwatch [a project of Animal Protection and Rescue League; a militant, vegan advocacy organization] who had two or three paid employees and a few volunteers. Other seal groups like Friends of Seals were present but did not set up an information table on the sidewalk but often were present at Children's Pool. They mostly stationed themselves near the stairs to intimidate people into staying off the beach. They occasionally helped Sealwatch employees whip up crowds to aggressively harass beach users.

I have years of firsthand experience with these issues having been physically assaulted twice and threatened many times while at Children's Pool. I have had property stolen in an attempt to curtail my Children's Pool advocacy. Many others have had similar experiences. In the context of coastal access restrictions because of this criminal behavior, I have spoken to Coastal Commissioners several times at public hearing requesting help with this abusive behavior by some extremist groups. Promised follow up never happened.

FoCP followed the City's regulations and obtained required paid permits to set up on the sidewalk. Sealwatch never did. Sealwatch frequently set up in the space on the sidewalk allocated by the City permit to FoCP. Some of the calls to police are from FoCP volunteers for the permit location to be cleared to be allowed to use the space designated under the term of the City issued permit. The police refused to assist us and FoCP had to set up outside of the designated location in violation of the terms of the City permit. We stopped calling the police when it became clear the City would not enforce regulations requiring the purchase of First Amendment permits.

Far from the interpretation by the City and Seal Conservancy of the police call data, the data really reflects a misuse of police resources for most of the calls. Any claim that closing Children's Pool was the cause for a reduction in calls for service is simply ignores the nature and disposition of the calls. The overwhelming number of calls for service was because of the bad behavior of a small group of activists dedicated to achieving a goal of closing Children's Pool. The Coastal Commission should be alarmed by this misrepresentation of the number, nature and cause for the calls to police since it is being used by the City of San Diego to justify closing a public beach.

It is important to be familiar with the tactic of misusing law enforcement resources to harass neighbors or other people someone may want to cause trouble for. The term for that abuse is called "**Swatting**" where a hoax emergency call is made to law enforcement to report an ongoing crime occurring at a particular location, that it prompts a full scale law enforcement response. Unfortunately, the result of some of those calls has been the death of innocent victims of that hoax call after an unnecessary police response.

The Oxford Dictionary defines Swatting as: ***"the action or practice of making a hoax call to the emergency services in an attempt to bring about the dispatch of a large number of armed police officers to a particular address".***

I believe "**Seal Swatting**" would be an accurate term describing the misused police resources to respond to Children's Pool. This describes the large number of unfounded or phony calls to the police about lawful activity at Children's Pool. The majority of the calls, claimed to be "seal related" by a misuse of the police call data, were the result of someone abusing emergency services to report typical and legal activities occurring at a public beach.

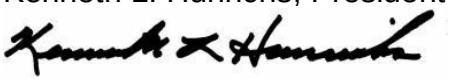
The San Diego Fire Department was also called on a regular basis to report visitors enjoying safe and legal beach fires. Having been at nearly every beach fire on the Children's Pool beach over the past ten years, I have firsthand knowledge of the events leading up to visits at Children's Pool by the fire department. Like clockwork, when a fire was lit in approved containers and compliant with the regulations for beach fires, the sound of a distant siren usually would be heard. The fire truck would pull up to Children's Pool and firefighters would occasionally walk down onto the beach for a closer look at the fire. Most times, they could see the fire was compliant with City regulations and would not need to make the trip down the stairs to the beach. There was never a request made to change the fire setup or extinguish the fire. It was always legal and safe. It was a complete waste of fire department resources.

Before you incorporate the claims from the "seals only" group and the City about the reduction in police calls, please take the time to review the records for yourself. They will show that the reduction in police calls was not because "seal related" issues stopped. The data reflects that "seal issues" were never a major cause of calls to police. Most were the result of bad behavior by seal activists. Sealwatch abandoned their efforts at Children's Pool before the beach was closed. Police calls dropped significantly after they left and their aggressive harassment tactics stopped. When the aggressive harassers were appeased with a beach closure, they left and their bad behavior was no longer impacting the number of police calls.

Unfortunately, the horrific behavior by seal activists on display daily for six or seven years. The worst of them left but were rewarded with beach closure and finally the harassment stopped. This has never been about "seal related" issues. The City and Seal Conservancy have clearly misrepresented the data to hide the bad behavior of activists on their side of the controversy.

Please verify the source of the large number of police calls to see the actual cause before renewing any beach closure permit. Numbers alone don't accurately reflect the drop in call for service from the police. Check the records to see the true origin and nature of those calls. What is being attempted to gloss over as "seal related" is actually disturbances related to the bad behavior of some beach closure advocates.

Kenneth L. Hunrichs, President



Friends of the Children's Pool

88.8% DECREASE IN SEAL-RELATED CALLS TO SDPD WHEN CASA BEACH IS CLOSED DURING PUPPING SEASON

(May 2018) The Seal Conservancy submitted a Public Records Request to the San Diego Police Department to obtain information about the number of seal-related calls to the police. After analyzing the data, we found that there was an 88.8% reduction in the number of seal-related calls to SDPD during the pupping seasons when the beach was closed (2015-2018) compared to prior pupping seasons (2011-2014) during which there was no seasonal closure of Casa Beach. The data is available for viewing here.



BOGUS

The specific purpose of this corporation is to educate the public as to the use of the Children's Pool in accord with Miss Ellen Scripps' charitable intent in 1931 in order to protect La Jolla Children's Pool surroundings as a public park, a bathing pool for children, and public recreational usage in accordance with chapter 937 of the deed of trust between Miss Ellen Browning Scripps, the State of California, and the City of San Diego, county of San Diego. Publicize the return of Children's Pool to public recreational use. Promote water quality and safety. Facilitate cleaning the beach and adjacent areas to make it attractive and convenient for public use.

Children's Pool Compliance Plan

Upon the order of Superior Court Judge Yuri Hofmann, the City of San Diego is prepared to implement the following Children's Pool Compliance Plan. This plan provides an operational framework for dispersing the population of approximately 200 Pacific harbor seals that make their home on Children's Pool Beach in La Jolla while a) preserving public safety, b) protecting the harbor seals and c) complying with all applicable laws, including the U.S. Marine Mammal Protection Act and Judge Hofmann's order.

The plan has three elements:

I. Seal dispersal
II. Public safety
III. Public outreach on seal aggression

I. Seal dispersal

Judge Hofmann's order to disperse as many as 200 Pacific harbor seals from their home on Children's Pool Beach in La Jolla presents numerous legal and logistical challenges to the City separate from those that will be posed by outside parties. Pacific harbor seals are protected by the National Oceanographic and Atmospheric Administration under the Marine Mammal Protection Act, and any individuals engaged in activity that harms or kills a harbor seal is subject to felony prosecution under the Act. Accordingly, the City must exercise extreme care in the dispersal activities it undertakes. In addition, harbor seals are intelligent creatures that will eventually adapt to whatever tactics the City employs. Through research and interviews with marine mammal experts, the City has determined that any successful dispersal program that meets federal guidelines will be labor intensive, require periodic adjustments in tactics and be ongoing until such time as the conditions that make the habitat attractive are eliminated. The population of Pacific harbor seals along the coast of North America has exploded in the decade since Children's Pool was dedicated. Even if those seals who now make Children's Pool Beach their home were persuaded to desert its comforts for another locale, they almost certainly will be replaced by other seals.

a) Upon Judge Hofmann's order's taking effect, a City employee or contractor will begin dispersing seals from Children's Pool Beach with a sound amplification system. The use of bioacoustics, in this case the sound of barking dogs, has been successful in relocating seals in other jurisdictions, and is an appropriate dispersal method under NOAA guidelines. In addition, this method was described by the plaintiff attorney Paul Kennerson in his Sept.12, 2008, Memorandum of Points and Authority as an acceptable "means of deterring seals from the Children's Pool."

b. Employees or contractors engaged in dispersing seals will be instructed to remain a safe distance from seals at all times to ensure their physical safety. Members of the public will be informed through signage that, under federal guidelines, only City employees or contractors are allowed to engage in seal dispersal activities and that others observed disturbing or harassing seals are subject to arrest.

c. Seals will be dispersed seven days a week, from 6 a.m. to sunset. Over the course of a 12-month period, this will comprise approximately 4,350 hours of dispersal activity. Because of the potential for harassment or assault by a member of the public, any employee or contractor designated to disperse seals will be provided continuous safety coverage by the San Diego Police Department. The costs of seal dispersal and safety coverage for the dispersal employee or contractor, based on the proposed fiscal year 2010 salaries and benefits and not including overtime or holiday pay or non-personnel expenses for City staff, is estimated at $688,934.

d. The number of seals on the beach will be counted and recorded at regular intervals to measure the success of the program as well as to determine if there is a need to change the tactics.

e. The City will conduct weekly membrane-filtration testing of bacteriological levels at Children's Pool Beach, measuring levels of coliform and enterococcus. The City Stormwater Department conducted a baseline test at three locations, designated Children's Pool Wall, Children's Pool Bluff-side and Children's Pool Ocean, on October 20, 2008.

f. At such time that the seals are no longer susceptible to dispersal by bioacoustics alone, the City will begin employing additional and complementary methods of dispersal. These will include varying the sounds amplified onto the beach, having the City employee or contractor walk up and down the beach while carrying the sound system and/or spraying water. It is anticipated that the intermittent use of several dispersal tactics will have greater long-term success than the continuous use of any single tactic.

g. All dispersal activities will be conducted in a manner that allows the continued public use of Children's Pool Beach.

II. Public protection

The dispersal of Pacific harbor seals from the Children's Pool Beach in La Jolla has a high potential to create an environment requiring a police response. In the past, lesser controversies surrounding the use of this beach have resulted in protests, verbal arguments, assaultive behavior and violations of the public right-of-way. The City must anticipate that these behaviors will recur, and perhaps escalate. In addition, the dispersal of the seals is almost certain to become a national media event, drawing to San Diego crowds of sightseers, news helicopters and animal-rights advocates who may arrive by land or sea to protest the seal dispersal. Compounding the challenges for law enforcement, the area of the Children's Pool, located in the 800-900 block of Coast Boulevard, is highly susceptible to gridlock from vehicular congestion. The San Diego Police Department has developed plans for dealing with public safety issues as they develop and escalate and is coordinating its actions with the San Diego Lifeguard Service, the California Highway Patrol, the San Diego Police Harbor Unit and the Parks and Recreation Department. Consistent with Police Department policy, the staffing levels and costs of these operations are not being disclosed to the public.

a. Upon Judge Hofmann's order's taking effect, the San Diego Police Department will begin to implement its Contingency Plan for Children's Pool. The department will facilitate the smooth flow of

traffic, monitor any demonstrations, keep the peace and respond to calls for service. In the absence of unlawful activity, officers shall maintain a low enforcement profile during a demonstration.

b. It is anticipated that animal-rights activists and organizations from outside the region will participate in protests once the seal-dispersal activity gains public exposure. As the plaintiff attorney Paul Kennerson noted in the Sept. 12, 2008, Memorandum of Points and Authority, "there is no exaggeration in saying a wider world watches" what goes on at the Children's Pool. This plan guards the constitutional rights of all parties, including their rights to exercise free speech and peaceably assemble.

c. In the event the situation escalates or violations of the law occur, the department's role would shift toward enforcement of applicable laws and maintaining order. A uniform presence will be displayed and the officers and supervisors assigned to the Children's Pool will immediately respond to any incident. Officers assigned to the Children's Pool will not tolerate any destruction of property or acts of violence and will take swift and appropriate action to arrest violators.

III. Public outreach on seal aggression

The dispersal of Pacific harbor seals from Children's Pool Beach will inevitably lead to the relocation of those seals on other San Diego beaches, even if that relocation is only temporary. Seals already congregate on the adjacent South Casa Beach and are known to haul out on the beach at La Jolla Cove. While it is possible that some seals may relocate on the rocks near Children's Pool Beach, marine mammal experts say the comparative comforts of sand are not lost on these creature and that sand beaches will be their first choice for relocation. Accordingly, it is reasonable to assume that displaced seals may haul out on the beaches at Pacific Beach, Mission Beach, Ocean Beach and La Jolla Shores, and other City beaches. The arrival of a seal on a public beach is a noteworthy event for most beachgoers and a source of excitement and curiosity, particularly for children. The arrival of dozens of displaced and perhaps anxious seals on a public beach could be a source of alarm. The San Diego Lifeguard Service, whose mission is to protect the public safety on beaches, will take steps to preserve the safety of both the public and the seals.

a. Upon Judge Hofmann's order's taking effect, the San Diego Lifeguard Service will take immediate steps to ensure public safety and protect seals on City beaches by alerting the public to the possibility that the seals who live on Children's Pool Beach may haul out on adjacent beaches, monitoring the activities of displaced seals, and warning the public of the potential danger of interaction.

b. When a seal or seals are observed hauling out on a City beach, lifeguards may find the need to post signs nearby reading: "Caution. Do not approach seals. Seals can bite. Agitated seals may attack. Harassing seals is against the law. In an emergency, contact 9-1-1." The signs, prepared as part of the Children's Pool Compliance Plan, include a drawing of a human hand reaching toward a seal with red circle and slash through it.

c. Lifeguards are prepared to take measures to protect the health and safety of seals that find themselves on unfamiliar beaches, including detaining and arresting individuals who persist in harassing the seals in violation of applicable laws.

May 9, 2019

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Friends of the Children's Pool opposes the renewal of Coastal Development Permits, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223.

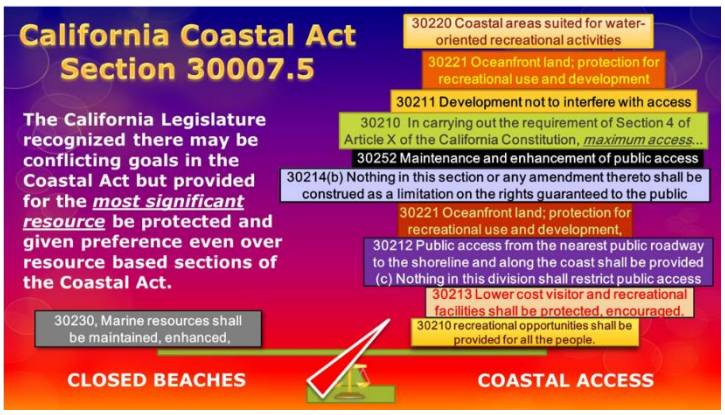
The Coastal Commission should not renew these permits without imposing strict benchmarks for actually improving sand and water quality. The City must be required to repair and open the existing beach ramp for all visitors and especially for mobility impaired visitors or those using wheelchairs. Any permit extension must only be for a limited term and with defined improvement goals for any future renewal.

The City's closure plan has caused increased biological pathogen hazards from widespread animal waste on the sand, polluted water and a closed public beach. This failed five-year experiment is contradictory to the mandated uses set in law by the California Legislature in the State Tidelands Grant [Trust]. The Trust is a California State Statute and not a private agreement. It has clearly defined mandates for tideland use policies.

Children's Pool is a man-made recreational facility intended to protect human lives from the rough surf conditions along the rocky La Jolla coast. When the Pool is closed for five months of the year, that vital safety feature protecting human lives is made inaccessible by the City's beach closure policies.

In 2014, the City tried using an inappropriate ESHA designation at Children's Pool in their beach closure CDP application. The Coastal Commission staff recommended against this designation for good reason. This highly modified location did not meet the standards for ESHA status. The City switched from ESHA to Coastal Act section 30230 but their haphazardly modified environmental study remained unchanged in their attempt to justify closing the beach.

When ESHA designation was rejected, no other condition justifying a closed beach had the equivalent significance to take its place. The lack of that significance should have disqualified the City's request to close a public beach when they compared sec. 30230 to the specific Constitutional, access and recreational facility protections of the Coastal Act.



Section 30230 is only one general statement about the goals of the Coastal Act. However, it must be balanced under section 30007.5 by comparing any competing uses or beach access restrictions for projects in the coastal zone. Several other specific Coastal Act mandates, when considering all the benefits of Children's Pool, are more significant when evaluating the balance required under 30007.5.

A question should be asked by Commissioners: Are human lives, protected by a man-made concrete seawall and sheltered ocean pool, important when considering the required access and recreation mandates in the Coastal Act? Or are the abundant, well adapted Harbor Seals commonly found all along the California coast more in need of the artificial protection of the seawall and sheltered pool? Three other locations in San Diego have thriving Harbor Seal rookeries. They exist in wild. natural locations.

A better balance is needed to serve all the people of California at this unique location and the City's permit extension should be denied.

The special conditions for the current beach closure permit CDP # 6-14-0691 must be carefully evaluated to determine if the City is complying with the intended outcomes. These permit conditions should be considered **mitigation** for the loss of beach access and known environmental impacts at Children's Pool caused the City's beach closure:

"During the five year [permit] period the City shall":

1. **"Examine the feasibility of ADA access."**









The existing Children's Pool beach access ramp is designated as a public access ramp in the La Jolla Community Plan and LCP. When the City built the new lifeguard tower at Children's Pool they did not follow their own development permit requiring emergency vehicle access to the beach, [CDP NO. 549686] or a new set of concrete stairs to the beach. The City has blocked pedestrian and vehicle access at the beach access ramp with the unpermitted concrete barrier. And there is no indication a new set of stairs are being considered at Children's Pool. The only remaining access to the beach is by using the existing stairs that are ready to fail. The original concrete walls supporting the stairways are dangerously leaning way out of plumb. The beach ramp becomes even more important looking ahead to the time when the stairs need to be repaired.

The City repeatedly refused to open the locked gate to block a disabled swimmer from using his wheelchair on the beach access ramp at Children's Pool. The swimmer had to be slid under the locked gate. The swimmer filed a lawsuit that had to be withdrawn before a ruling on the local issues because of a ruling in a related ADA case. [Kirola v. City of San Francisco]. With the recent ruling in Kirola, ADA case law does not require this ramp to be changed to comply with current ADA standards. But the ramp can and should be improved. The City spent far more money fighting against improving the ramp than it would have to restore and reopen the ramp as a reasonable accommodation for the disabled visitors at Children's Pool.

Common sense should motivate the City to repair and reopen the ramp for public beach access as it has been used for decades.

2. **"Examine water quality and determine any method to improve it."**



The water at Children's Pool has not met State water quality standards for decades. City officials have taken no action to reduce the seal waste overload on the beach. This was irresponsible for the City not correct this health hazard even after being ordered by the Superior Court to do so in O'Sullivan v. City of San Diego in 2005. Several studies showed that environmental conditions would be improved with any of the several projects under consideration. Unfortunately, the City never implemented any of these projects and, as a misguided cost saving measure, have only pursued a beach closure policy since 2009.

As recently as August 2018 new County Health Dept. warning signs were posted along the rope barrier indicating a worsening of water quality at the Children's Pool. The "temporary" advisory signs lined up with the barrier rope on the beach scares people away from the beach. There has been a permanently posted health warning sign near the stairs at Children's Pool for over twenty years.

A ramp to the beach is necessary to provide access for maintenance equipment to improving water and sand quality.

The City's most recent studies claim water quality is good at Children's Pool year round. This is a deceptive shift to a different standard of measurement [TDML] and must be evaluated very carefully in the context of improved water quality. Long term testing by the Environmental Health Department at the County of San Diego contradicts the City's claims and they have posted health advisories at Children's Pool for decades. Nothing has changed except the way the City is measuring the water quality seeking to avoid responsibility to maintain a safe and clean public beach in their care.

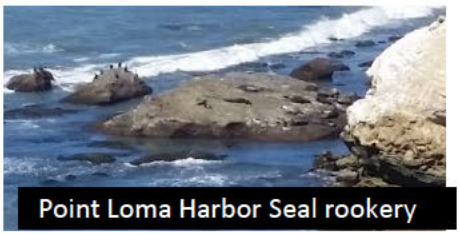
3. "Analyze the quality of the sand and determine a method for improving it."



Two decades of seal waste accumulation on Children's Pool Beach has negatively impacted water and sand bacteria levels. A proper EIR, without the illusion of a rejected ESHA status for this area, would have documented this foreseeable impact. There is no shared use when the summer season starts when beach goers are faced with a beach full of seal waste from the previous closed season. Regular beach cleaning especially at the beginning of the summer season would greatly reduce the buildup of harmful bacteria into the water and sand. The City refuses to clean the beach as the City and volunteers did regularly in the past. This City neglect defies logic considering the intent of the Coastal Commission for the beach closure permit conditions was to improve the sand quality.



South Casa Harbor Seal rookery



Point Loma Harbor Seal rookery



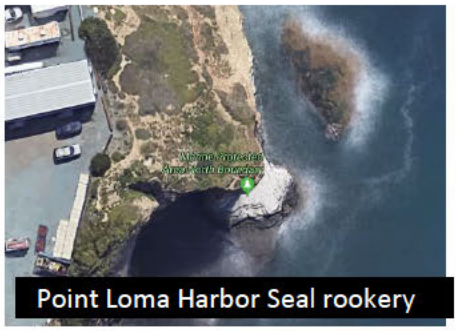
Point Loma Harbor Seal rookery

There should be no long term renewal of the current permits. This will only serve to let the City off the hook for any discussion of alternative ways to improve conditions and provide for better access while protecting wildlife. A strict conditional management plan, with clearly defined improvement standards, should be required to mitigate the negative environmental impact of the City's beach closure project. We don't need more studies; this issue has been thoroughly studied and analyzed. The Coastal Commission should not grant a long term permit renewal.

Where are San Diego's "hidden" seal rookeries?

Two decades ago, the City ignored NOAA/NMFS recommendations to discourage harbor seals from establishing a colony on Children's Pool Beach. The City has used various schemes, that have infringed on coastal access rights, ever since to cover for that mistake. The latest opinion from NOAANMFS officials is they do not think Children's Pool beach closure is necessary at any time of year to prevent disturbance of the seals.

The closure has increased pollution in the sand and water from seal waste. This beach closure circumvents coastal access protections in the Coastal Act and has not provided any increased benefit towards seal protection schemes. The number of stillborn, miscarried and abandoned seal pups is statistically identical before and after the beach closure. Human use of the beach has had no impact on this natural occurrence. Children's Pool is only one of four known seal rookeries in San Diego. The other three Harbor Seal colonies are rapidly growing at South Casa Beach, Point Loma and at Bird Rock approximately three miles south of La Jolla.


Point Loma Harbor Seal rookery


Bird Rock Harbor Seal rookery


Point La Jolla Sea Lion rookery

One of the arguments for closing Children's Pool has been that anyone can go swimming at any one of the nearby beaches because they are all around Children's Pool. All beaches are mistakenly considered to be the same. None are protected beaches. If this flawed logic were applied to the equally close Harbor Seal and California Sea Lion rookeries the need for closing Children's Pool would be eliminated. The South Casa Beach rookery is just steps away from Children's Pool and provides abundant wildlife viewing opportunities to visitors. Within walking distance of Children's Pool, California Sea Lions are hauled out giving birth to pups at the La Jolla Cove, and nearby Point La Jolla; all within an existing Marine Protected Area.

The growing number of nearby Harbor Seal and Sea Lion rookeries has made the Children's Pool rookery redundant and the arguments for keeping Children's Pool closed because it is a unique rookery no longer stands up to scrutiny. It is time to reevaluate the status of nearby rookeries and fully reopen the Children's Pool Beach.

Children's Pool Rope barrier CDP # 6-15-0223

The City's rope barrier blocks 98 % of the beach, and like the blocked beach access ramp, is an encroachment on an established vertical access to the shore. This is a violation of the Coastal Act since this encroachment does restrict physical access to the shore. The rope is also a psychological deterrent to access.

Any protective measures for wildlife must be flexible enough to reflect changing conditions on the beach. A City Ranger was hired for this specific purpose. The Ranger should be present at the beach to adjust restrictions according to the current conditions and the presence or absence of seals.

Please reject the City's application for beach closure permit extensions without imposing intended improvement standards. Instead, require a better beach management plan that accommodates all users of the beach with clean sand and water. The Children's Pool Beach closure was an extreme measure which has encouraged colonization by more seals at Children's Pool and nearby beaches. This will only lead to more demands for more closed beaches as popular urban recreational beaches are occupied by the growing pinniped population. This is of great concern to anyone wanting to maintain and improve coastal access in La Jolla.

Sincerely,

Kenneth L. Hunrichs, President

Friends of the Children's Pool

From:	Ken Hunrichs
To:	ChildrensPool@Coastal
Subject:	Beach ramp at Children"s Pool
Date:	Friday, May 03, 2019 1:59:38 PM
Attachments:	Joel Tracey letter about ramp use.pdf Letter from Lifeguard Joe Barnett about beach cleaning routine at Children"s Pool from 1969 to 1989.pdf Re My memories of CP beach maintenance Mark Brown.pdf Blair, Gotch 1983 letter Ramp update.pdf Re Heavy equipment on Children"s Pool beach, LA Jolla, CA from Leslie Shoots email ID removed.pdf February 9, 1984 La Jolla Light Funds for Improvements to Children's Pool OK'd.pdf

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This message is being submitted to the public comment record for Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits

Please read the attached letters from former lifeguards and a beach visitor about their recollections of beach access ramp use at Children's Pool. There is ample photographic evidence that the Children's Pool ramp was open for public use since it's creation in the 1940's. It has only been recently that the City has claimed it was for emergency use only. This is a well established coastal access identified in the La Jolla Community Plan.

Neglect by the City has caused the current poor condition of the ramp. The concrete barrier blocking the ramp in from December 2015 is unpermitted. This is an established shoreline access point identified in the La Jolla Community Plan and the LCP for San Diego. It needs to be repaired and reopened as soon as possible. The Coastal Commission has the opportunity, through the current permit renewal process, to hold the City responsible for blocking an established coastal access and require that it be reopened. Please use this opportunity to protect coastal access at Children's Pool. Make his ramp available to those who cannot use the stairs because of physical limitations.

I have also included a City memo from City Manager, Blair, Councilmembers Mitchel and Gotch, requesting repairs to the ramp in 1983 to make it a multi-purpose access ramp. Also included is a news article in the La Jolla Light announcing the decision to repair the ramp with new concrete paving using hotel tax funds.

This ramp provides access for lifeguards and is the quickest way onto the beach from the lifeguard tower. Blocked beach access over the ramp increases the response time for the lifeguards getting to the shore. The stairs are frequently blocked by visitors while the ramp is wide enough to remain clear for lifeguards even during heavy public use times. The ramp provides access for beach maintenance equipment including sand moving equipment and sand sifters. The desired outcome of improved sand and water quality will only be achieved if the City acknowledges the history of cleaning by City personnel and reestablishes a program of maintenance of this beach. This ramp is important to have open and accessible.

Thank you,

Ken Hunrichs
FoCP

CITY of SAN DIEGO

MEMORANDUM

RECEIVED

DEC 23 1983

CITY MANAGER

FILE NO.:

DATE : December 20, 1983

TO : City Manager Ray Blair

FROM : Deputy Mayor Mike Gotch and Councilman Bill Mitchell

SUBJECT: CHILDREN'S POOL RAMP

For many years the Children's Pool area in La Jolla has been the gathering place for tourists and residents alike. Recently, however, the area has received strong criticism from members of the La Jolla Town Council regarding its appearance.

Specifically, we would like to bring your attention to the condition of the access ramp that services the beach. Several months ago, staff was required to install a dirt ramp in order to provide beach maintenance and lifeguard services. As you may recall, a permanent cement ramp is present but due to erosion and severe weathering, the ramp needed special treatment, therefore a dirt-clay ramp was installed.

Now that the winter months are upon us, we find the dirt ramp being washed away on a daily basis. This action is not only causing the sandy area to harden, but is also creating a serious safety hazard that needs to be eliminated. With this in mind we would like to request that you direct staff to review the existing problems at Children's Pool, and develop a CIP for the construction of a cement, all-purpose ramp. Our hope is to have the project placed in the 1984-85 CIP budget. This would include estimates on construction, engineering and other costs associated with a project of this magnitude.

We would appreciate a response regarding this matter and a prospective year when you plan to place the CIP in the budget.

MG/ms

Funds for Improvements to Children's Pool OK'd

by Joe Nabbefeld

The Children's Pool should get a "façade lift" soon.

The San Diego City Counsel recently approved allocating $15,000 for replacing 210 feet of railing along the sidewalk next to the bluffs and 90 feet of railings along the stairway to the beach south of the lifeguard station, as well as putting in several steps and a sidewalk just north of the lifeguard house.

The money for this comes from the 1983 Transient Occupancy Tax (T.O.T.) fund, which is not a traditional source for beach related repairs according to Hucko Chairman of the Parks and Beaches Committee of the Jolla Town Counsel.

The T.O.T. is generated from a 6% tax on hotels and is earmarked for improving tourism according to an aid to 6th City District City Councilman Mike Gotch. The tax raised approximately 314 million in 1983, Gotch's aide said. But Hueko said, " No pennies have ever been spent from the T.OT. for beach repairs, even though beaches are probably San Diego's #1 tourist attraction. Gotch had been looking last fall for money from other funds for the repairs in response to requests by the parks and beaches Committee when he learned that roughly three hundred thousand dollars of the T.O.T was still unallocated, the Gotch aide said, Finding the available T.O.T. funds speeded up funding the repairs by six months to a year, according to a release from Gotch's office.

"On Dec. 15, the La Jolla Town Counsel and I submitted the original 1984 Grant application which would not have been heard by the City Town Counsel until July of this year. Since money was available from the 1983 revenues, the Town Counsel's request was moved forward by six to twelve months. "Gotch said. Hucko said the Committee won't forget the T.O.T. It intends to tap this source again for Beach improvements, he said, "We've discovered a new source. "

The next project for the Children's Pool is to replace the eroded sand access ramp to the Children's Beach with a cement ramp" That's something we are going after, Hucko said. Gotch has asked the City Manager Ray Blair to look into funding a cement ramp from the City General Fund as a capital improvements project for fiscal year 1984-1985 according to Gotch's aide. "This ramp will replace the existing ramp, which is both a safety hazard and eye sore", Gotch said "Within the next week I will receive a report outline available funding sources and share this with the La Jolla Town Counsel,"

"If the capital improvement project fails to generate funding, Gotch's aide said "the T.O.T. is an alternative, though it's still a tough fund to get hold of." "The new railings and cement work will now go out bid, the aid said. "Gotch said, I feel certain this project will add to the beauty of this L a Jolla landmark. Construction should be completed by late Spring and ready for summer enjoyment.

In December $350,000 worth of new railings were put on the Children's Pool Seawall. They replaced railing that had been bent almost off by last winter's severe storms.

SAN DIEGO COUNCIL of DIVERS

April 28, 2019

Children's Pool – Beach Access Ramp

To whom it may concern:

I am the current President for the San Diego Council of Divers and a former seasonal Lifeguard1 for the City of San Diego from 1990-1996. During my tenure as a lifeguard I had the opportunity to work the Northern Division under Lt. Brandt Bass – my expertise as a dive instructor put me at the Children's Pool on occasion working under Lifeguard 2 Ron Trenton.

With respect to the "access ramp" at the Children's Pool three things stand out in my memory:

1) The ramp was regularly used by City of San Diego beach clean up crews to bring heavy equipment on to the sandy beach for the specific purpose of removing washed up kelp.

2) When citizen's with mobility limitations arrived at the beach, it was common for the individual, or their assistant to contact lifeguards on duty and request assistance getting their wheelchair down the access ramp. I had the pleasure of assisting more than one party on to the beach and in to the water. This (assisting those with limitations on to the beach) was common practice by lifeguards, supported and expected by upper management.

3) I was shocked to observe, during the most recent change to the permanent lifeguard station now at the Children's Pool, the blocking-off of the original ramp. It seemed a spiteful gesture to the disabled community who frequently used this access ramp.

The San Diego Council of Divers is in strong opposition to the closure of any access to public beaches and rights of way, and urge the California Coastal Commission to require the City of San Diego to re-establish this access ramp.

Joel Tracey, President
San Diego Council of Divers
(619) 415-9426

July 31, 2014

To Whom It May Concern,

During my tenure lifeguarding at the Children's Pool from 1969 to 1989, the City of San Diego's beach cleaning team and the San Diego Lifeguard Service had cooperative relationship to ensure that the beaches were safe and clean for the public.

The beach cleaning procedure was performed each Friday at the Children's Pool on a regular basis and also on an 'as-called' basis when the Lifeguards requested additional services. The Baja Road, (road leading to the beach), was maintained diligently by the City of San Diego beach cleaning crew for two different purposes: 1) for heavy machinery to access the beach for the purposes of removing kelp and sand; and 2) for making it safer and easier for people with disabilities to get onto the Children's Pool beach.

At one instance, the City removed tons of sand from the Children's Pool Beach and placed it on the ocean side of the Children's Pool wall in an attempt to maintain the water depth in the Children's Pool for purposes of safe swimming.

The above statement is a true and honest recollection of the reality of events between 1969 and 1989 at the Children's Pool.

Sincerely,

Joseph Barnett

Joseph Barnett
Retired Lifeguard

Subject: Re: Heavy equipment on Children's Pool beach, LA Jolla, CA
From: Leslie Shoots <leslieshoots@yahoo.com>
Date: 8/21/2012 1:50 PM
To:Marie Hunrichs <mariehunrichs@cox.net>

I was first there in 83 and 84 while in the Navy.I took my wife and I there August of 89 on our honeymoon. We stayed at the The Shell Beach Apts. where I watched a yellow bulldozer cleaning the Childrens Pool from our room. Later in August of 95 we took our two toddlers to the Childrens Pool and remember having to wait before we could go down to the beach while the same type of equipment finished cleaning the beach. I remember it exiting the beach up the sandstone ramp. It had a bucket type scoop which he was using to pick up sea weed, kelp. ect..You might enjoy this 1970 Dodge Commercial that was filmed on the beach there at the Childrens Pool.
http://www.youtube.com/watch?v=R5IM5YaCVlI

--- On Tue, 8/21/12, Marie Hunrichs <mariehunrichs@cox.net> wrote:

> From: Marie Hunrichs <mariehunrichs@cox.net>
> Subject: Heavy equipment on Children's Pool beach, LA Jolla, CA
> To: leslieshoots@yahoo.com
> Cc: "Ken Hunrichs" <kenhunrichs@cox.net>
> Date: Tuesday, August 21, 2012, 1:52 PM
>
> Hello Mr. Shoots,
>
> I do not know if you remember me, but I wrote down your e-mail address for the Children's Pool sidewalk list in 2010 at our information table. My husband Ken Hunrichs sends out information regarding CP which I am sure you have been receiving.
>
> The reason I am contacting you is because we need information on prior beach cleaning at CP. I remember that you mentioned you had seen equipment on the beach back around the year 1989. We are trying to get the City to clean CP beach just as they do all other beaches. We have been met with nothing but resistance from City Officials who claim the beach cannot be cleaned because of a lack of access to mechanized equipment. We are always hearing from people like you that have been around CP for a long time that in the past, cleaning was done regularly. If you could provide this information to the best of your ability to remember, we would greatly appreciate it.
>
> Please include as much information as possible such as: Who you are, why you were there at CP, approximate dates of when you were present, what you saw, type of equipment, what was it doing, the presence of people or perhaps even seals, how many times you saw this and anything else you think is important.
>
> Thank you for your help. As a collective group of CP advocates, we hope to improve conditions at Children's Pool.
>
> Sincerely,
> Marie Hunrichs

Recollections regarding Children's Pool beach maintenance

Mark S. Brown, SD Lifeguard II from Feb 1975 to Oct 1979, left to become a paramedic in the City of San Diego.

I was assigned to Children's Pool as a LG II during 1978-79.

When I was a Permanent lifeguard stationed at the Children's Pool I do not recall any regularly scheduled beach maintenance. In my experience, Children's Pool beach maintenance occurred more on an "as needed" basis. Seaweed was occasionally cleaned off the beach by a skip loader that used the manmade berm ramp as access. This ramp was called the "Baja Road" because it lead to the beach below the tower. I have no knowledge of any records that were kept of beach cleaning at the Children's Pool.

I have a strong recollection of an attempt at sand excavation from the Children's Pool that went on for several months in 1977 and then was stopped out of pure futility. Turned out there was way too much sand that would take years to move using the skip loader. I recall the crews just dumping the sand onto the South Casa beach after trudging slowly and carefully up the ramp. This aborted attempt at returning the Children's Pool to its original size of course left a huge hole in the middle of the beach that became filled with quickly stagnant seawater after ensuing high tides. The smelly, unsightly mess only disappeared months later after huge winter swells finally swept even into the protected area of the Children's Pool and leveled the beach once again.

During the six months I was stationed at the Children's Pool in 1978, the ramp gate was rarely locked. I don't know when it became SOP to lock it.
More information could be forthcoming from the other Permanent Staff with whom I worked in the North Area. These include LG IIs Steve Wood, Joe Barnett, Tom Thayer, Jeff Koch, Dan Jurman, Tom Redlinger. My supervisors were Sgt. Mike O'Hare, Lt. Buster Mico, and Captain Bob Shea.

Mark B

-----Original Message-----
From: Ken Hunrichs [mailto:kenhunrichs@cox.net]
Sent: Tuesday, May 21, 2019 9:43 PM
To: ChildrensPool@Coastal; Venegas, Marsha@Coastal; Lasiter, Melody@Coastal
Subject: City of San Diego's Substantial Conformance Review for the Children's Pool lifeguard tower CDP.

Please include the attached letter to the Children's Pool closure permit application file for consideration by the Commission.

Unfortunately the City of San Diego's long delayed decision to claim conformance in the blocked beach access ramp was already done even before I knew of their decision or was able to speak to the Development Permit Review Committee DPR as the local planning group. I gave this attached presentation to the DPR about an hour after their notice of decision arrived in my email inbox. The City staff was at the DPR meting seeking support for their case for compliance with their CDP and with the Coastal Act while knowing the decision had already been made well before the meeting.

The DPR voted unanimously to recommend to the La Jolla Community Planning Association that the blocked ramp was not in conformance with their Coastal Development Permit for the lifeguard tower project.

As the City attempts to ramrod approval for the blocked beach access ramp at Children's Pool, it it up to the Coastal Commission to put a stop to this. The beach access ramp has been a well used public access ramp for decades. This situation shows an utter disregard by the City of San Diego to the access protections in the Coastal Act. The City has abused their authority as the administrator for the Local Coastal Program and La Jolla Community Plan. This needs to be stopped by the Commission.

Ken Hunrichs

Opposition to finding Coastal Development Permit conformance in the Substantial Conformance Review for the Lifeguard Tower Project and the beach access ramp at Children's Pool.



(1) I first discovered this barrier on January 4th 2016 after years of monitoring the lifeguard tower construction.

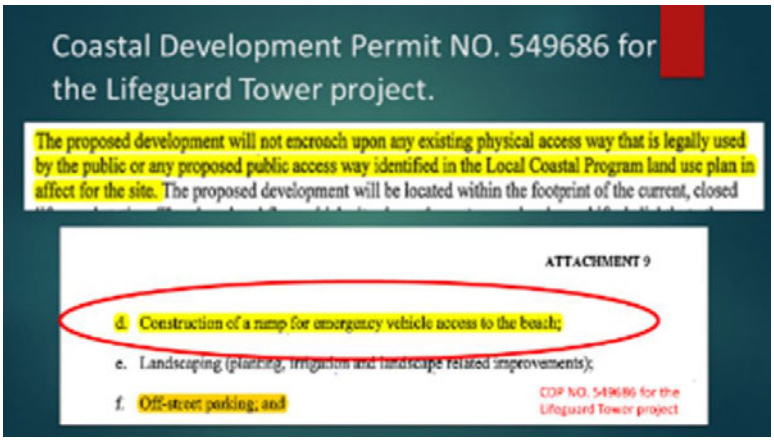
Language in the lifeguard tower CDP called for this ramp to be made functional for emergency vehicle access. This was an attempt to change the ramp from public use to strictly emergency use which is contrary to decades of public use as a pedestrian ramp.

My attempts to get answers from the City were thwarted at every turn.

In April, 2017 I filed formal complaint with the Coastal Commission about this Coastal Act violation. They found merit in my complaint and began their investigation leading to this SCR by the City of San Diego.

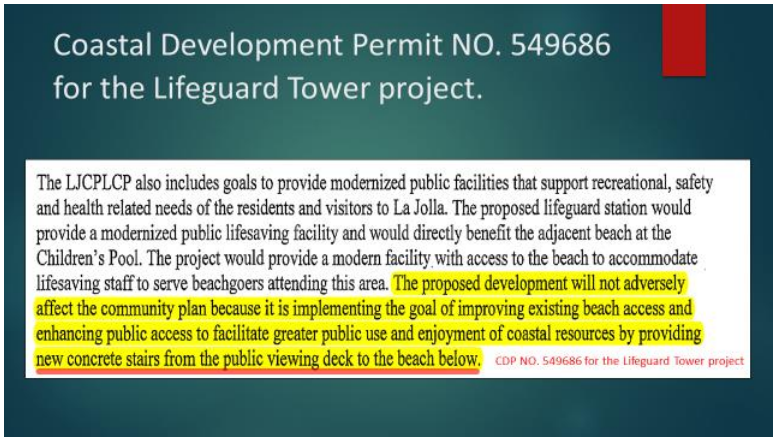


(2) A restored and reopened beach ramp is necessary to comply with several of the conditions imposed on the City by its own CDP and the Coastal Commission. A restored ramp would provide reasonable accommodation for people using wheelchairs or those not able to use the steep stairway.



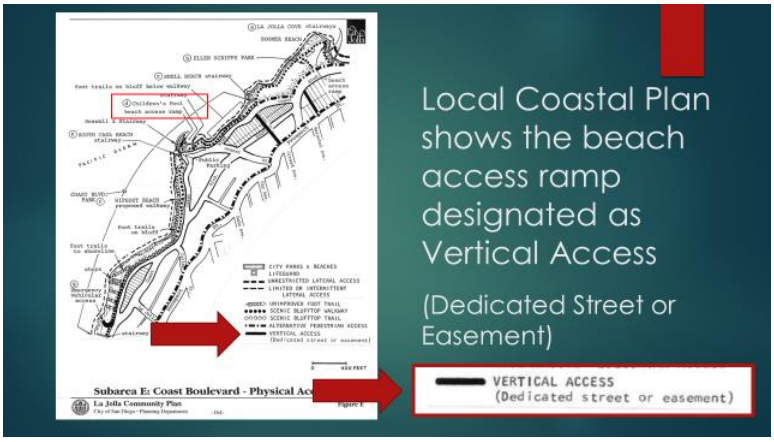
(3) "A coastal development permit is required when changing an established coastal access route and intensity of use of a California beach." The locked gate and new wall do both, and they have not been permitted. The ramp is identified by the Coastal Commission in the LCP/La Jolla Community Plan, as a "beach access ramp".

The Lifeguard Tower CDP required the City to construct a ramp to the beach for emergency vehicle access. This is a simple project that should have been completed during tower construction. Instead, the City chose to block the ramp with a concrete barrier.

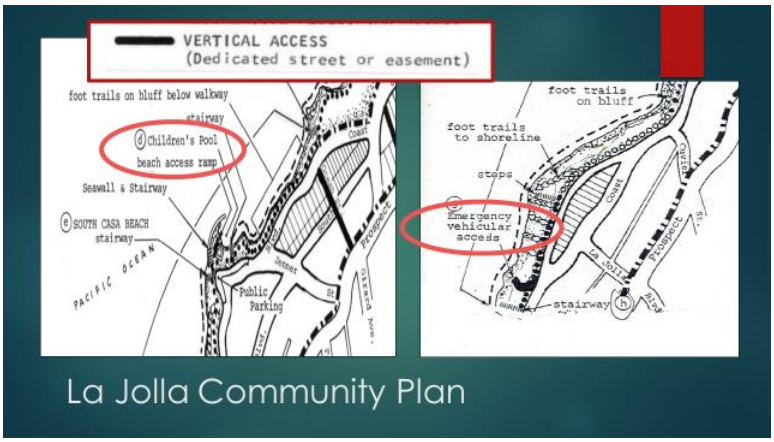


(4) From the CDP: "The proposed development will not adversely affect the community plan because of the goal to improve existing beach access."

New concrete stairs to the beach were also part of the CDP for the lifeguard tower. Where are those new stairs?



(5) The La Jolla Community Plan and LCP identifies the Children's Pool beach ramp as VERTICAL ACCESS by street or easement dedication. It cannot be changed without a Coastal Development Permit approved by the Coastal Commission.

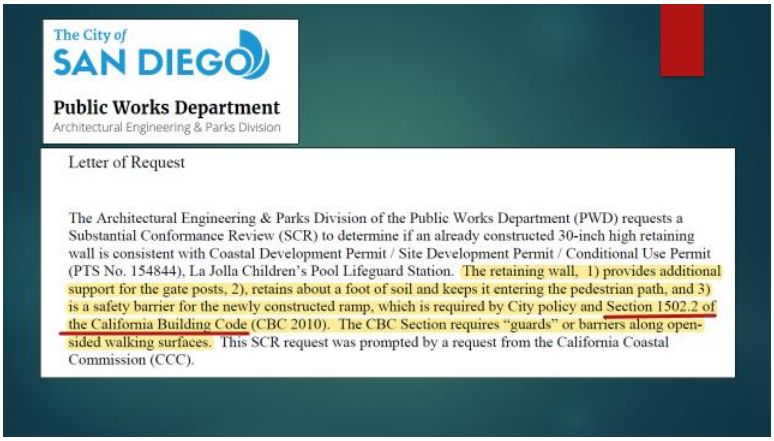


(6) The La Jolla Community Plan contains descriptions and maps of the coastal access points throughout La Jolla.

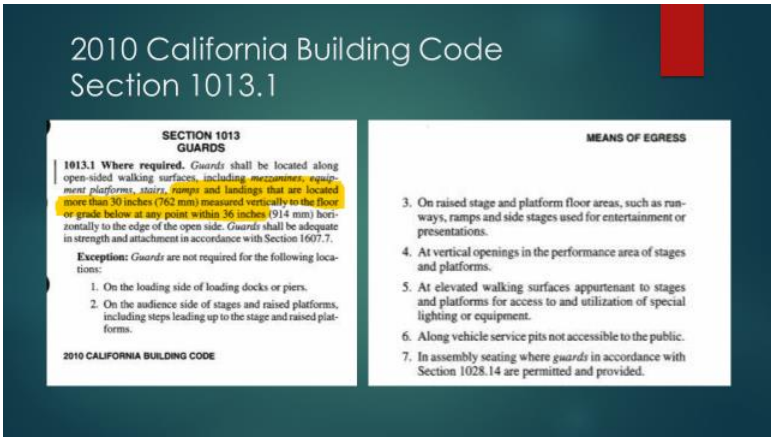
At Children's Pool the beach access ramp is identified as a publicly used beach access ramp.

Ramps used only for emergency access are labeled as such.

Clearly there is a distinction in the two types of ramps and Children's Pool ramp is for public access to the beach despite what the City is claiming. The ramp is for public use and not just an emergency access ramp.

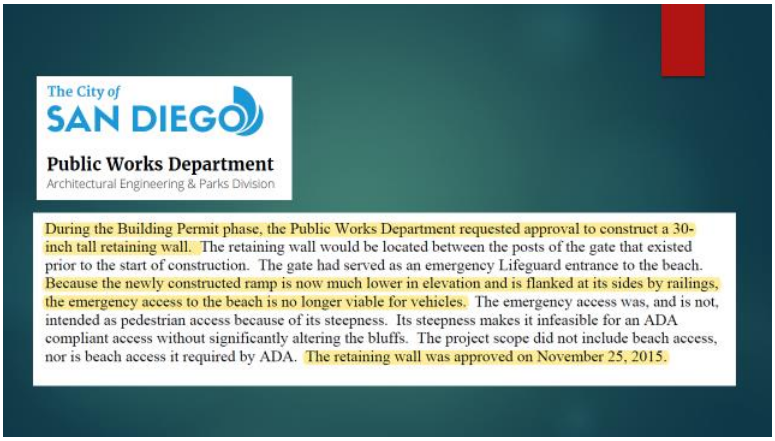


(7) The building code section cited in the public notice was incorrect. The correct code section should have been CBC 1013.1. The City did not update their public notice.



(8) The hazardous conditions which the City is relying on to justify the concrete barrier wall do not exist at this location.

There is not a thirty inch vertical drop-off being protected within thirty-six inches of the new sidewalk.



(9) The upper ramp was built to accommodate vehicles. The addition of railings only slightly reduced the width of the ten foot wide ramp. It is still "viable" for vehicles. The ramps and sidewalks were open to public use for decades and are not too steep for public use. To claim otherwise is simply not true.

ADA compliance for a beach access ramp is no longer necessary at Children's Pool due to court rulings. The project scope included a beach access ramp to the beach. It is written into the CDP.



(10) The actual conditions which the City specifies under CBC section 1030.1 do not exist at this location. There is not a 30 inch vertical drop-off near the barrier wall.

Note the condition of the iron gates. Money was misspent on propping up those gates.

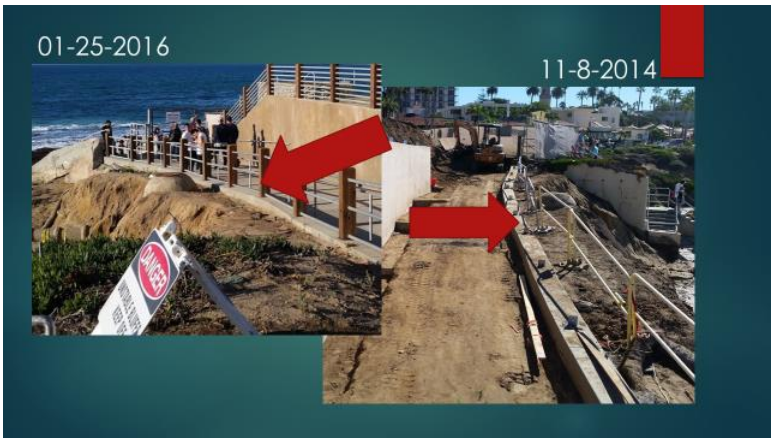
Gates are no longer needed as vehicle trespass is prevented by the bollards at the street.

A chain across the stairway now suffices to close the beach in winter and could replace the rusty gates that block views.



(11) When the upper ramp was graded to meet ADA standards, the outer portion of the original bluff was left towering over the new sidewalk grade.

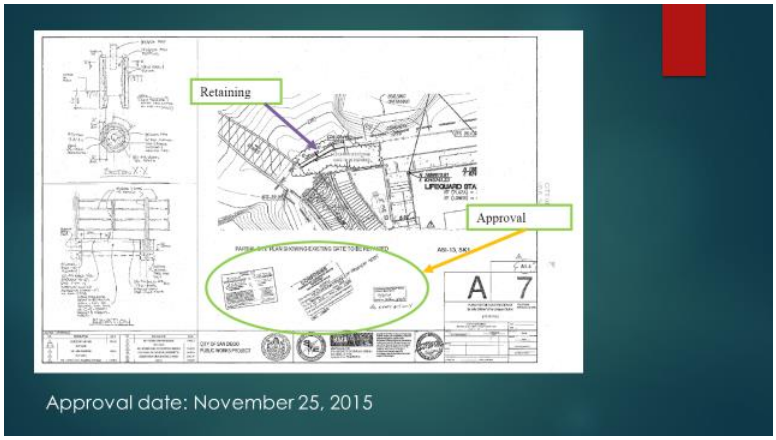
The bluff was later shaved off to lower the grade. A large retaining wall was not needed to prevent erosion over that sidewalk ramp. Why was that not done at the lower beach ramp?



(12) By November 8, 2014 the extra material had been removed from the bluff.

The problem was solved where there was initiative to do so.

Only a small curb at the side of the ramp was needed to prevent erosion, maintenance problems and to comply with building codes.



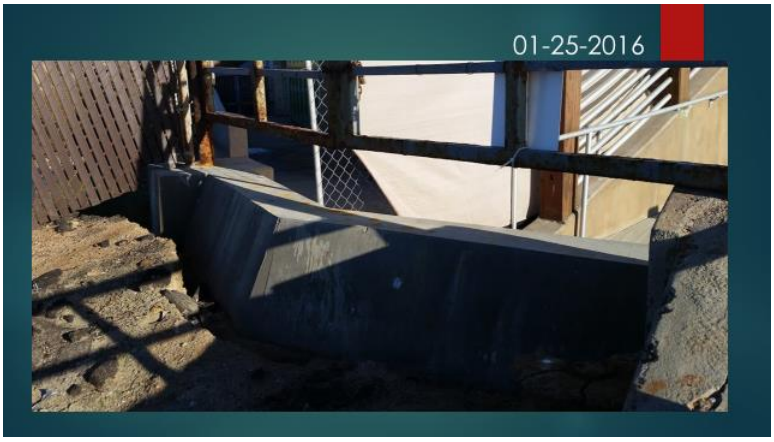
(13) Who asked for this wall to be built in the very final days of the project? Who approved it and what is its real purpose?

The lifeguard tower project, as presented at all levels of review, was approved with plans for a functional beach access ramp. This barrier wall can only be considered an afterthought at its best or as spiteful at its worse.

An ADA lawsuit had been filed over access to the Children's Pool and the City was searching for a way out.

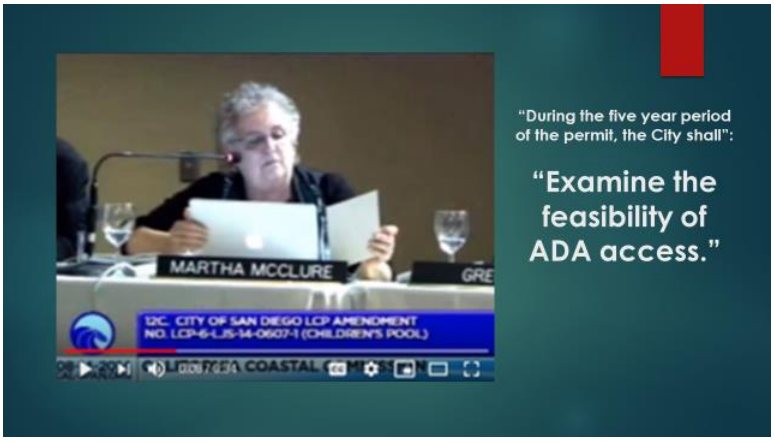
Just a year before, the Coastal Commission required the City to examine ways to improve access in a special condition of the Children's Pool beach closure CDP.

Blocking established coastal access violates the Coastal Act access protections and is a slap in the face to people of limited mobility who cannot use the stairs.



(14) So why then was this huge structure built to block the ramp? The extra soil on the ramp could have easily been shaved off just like the upper ramp.

Maybe there is another reason this was done. By blocking the ramp, the City avoids responsibility to repair the original ramp to the beach. Now they want you to support a mistake they hoped no one would notice.



(15) Commissioner McClure amended the original beach closure permit language to require the City to examine improving beach access for the disabled.

The City has had FIVE YEARS to comply with this condition and has fought against better access all that time.



(16) The City has mistreated people with limited mobility by not repairing the ramp at Children's Pool. They have the chance to fix this by committing to restoring reopening the ramp for public use.

A fully ADA compliant beach access ramp would be costly.

Existing ramp repair would not be.



(17) Is this "reasonable accommodation"?

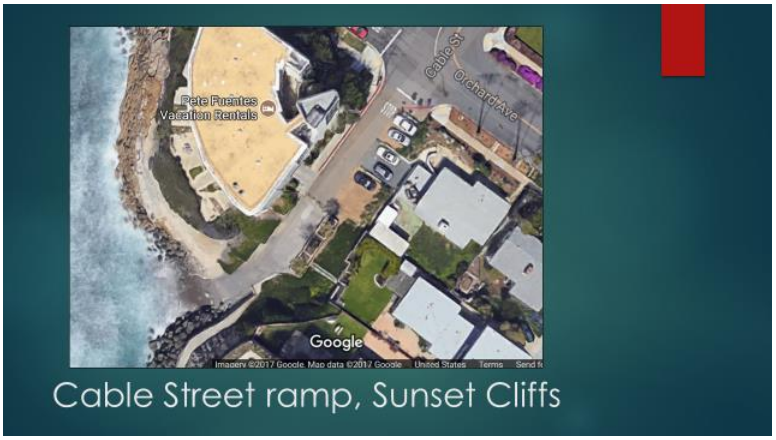


(18) This Sunset Cliffs beach access ramp is not blocked off and it has been well maintained.

It is steeper than the Children's Pool ramp.

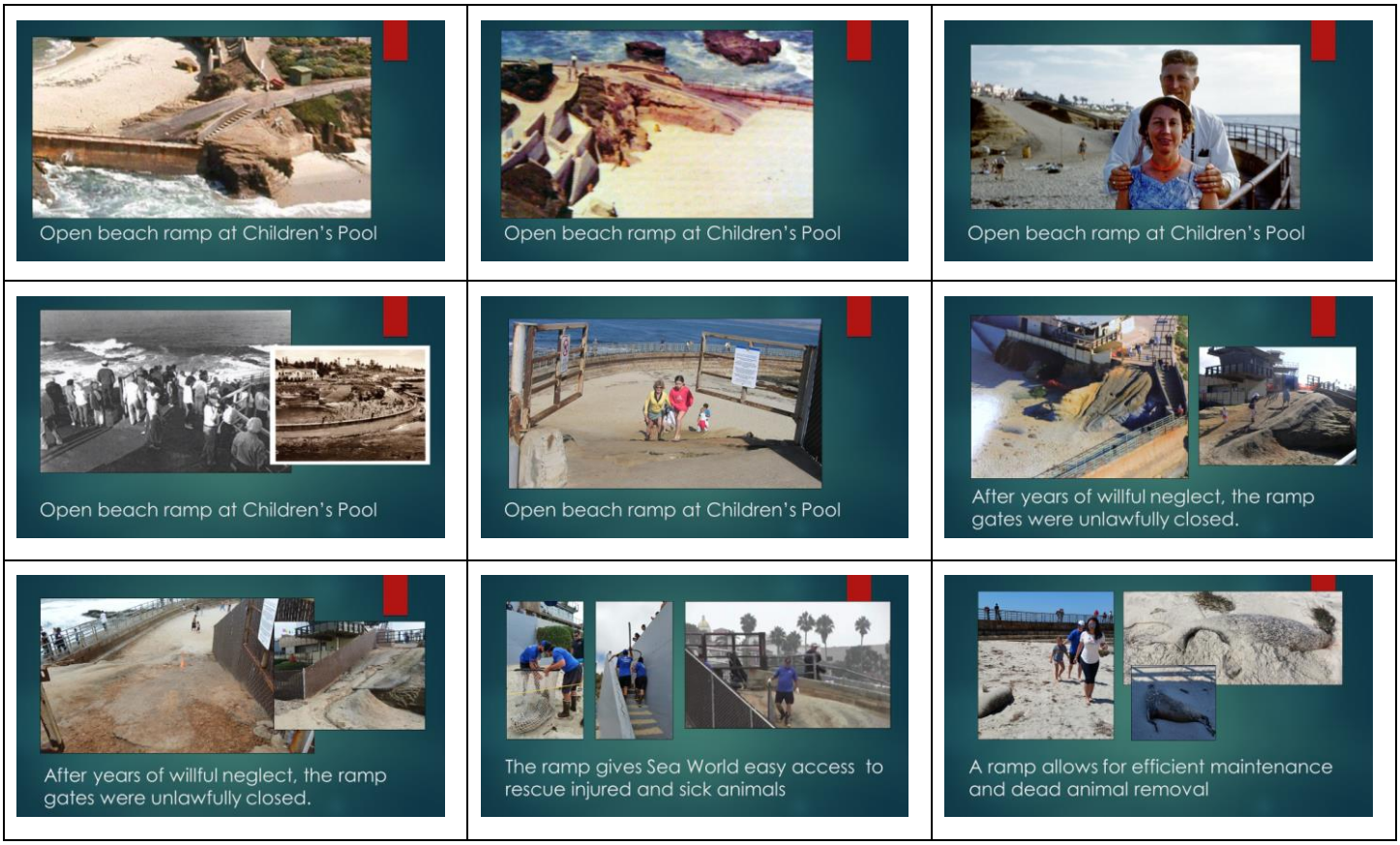
It also doesn't meet current ADA standards but is still open for public use.

Well-spaced bollards prevent vehicle trespass. There isn't a thirty-inch tall concrete barrier blocking this ramp.



(19) Cable Street has an open beach access ramp with no controversy preventing its use.

Unlike the ramp at Children's Pool, no one is attempting to stretch the meaning of building codes to try to justify the notion this ramp is somehow unsafe, not needed or no longer an important coastal access route.



This document is based on a presentation prepared for the La Jolla Community Planning Association, Development Permit Review Committee for May, 2019.

A Substantial Conformance Review requires the City of San Diego to present their project under question to the local planning group. In this case, the project is being reviewed after the barrier in question is already built.

This ramp was freely used as an established and dedicated public beach access for decades. It is identified in the La Jolla Community Plan and Local Coastal Plan documents.

The new concrete wall blocks any access to the beach over the ramp. By willful neglect, the City allowed the ramp surface to fall into disrepair. With the construction of the barrier wall across that ramp, no access is possible.

The specifications called for in the Coastal Development Permit for the new lifeguard tower, were for a beach ramp to Children's Pool Beach for emergency vehicles. The rusty gates and barrier wall now make any access to the shore impossible over the ramp.

This ill-advised development does in fact, **"adversely affect the community plan because of the goal to improve existing beach access"** and must be removed.

Kenneth L. Hunrichs, President



Friends of the Children's Pool

FRIENDS OF THE CHILDREN'S POOL

California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Re: Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits.

I wish to bring to your attention some factual errors in the City's beach closure permit application about an ADA lawsuit brought by ocean swimmer, Jack Robertson.

The ADA lawsuit for access at Children's Pool was not "won" by the City as claimed by the City's expert in the permit application. This case was withdrawn by the plaintiff's attorney based on a ruling in a separate case in the 9th Circuit Court of Appeals in Kirola v. City of San Francisco during the Robertson v. City of San Diego trial. The ruling in the 9th Circuit had overlapping issues with the Robertson case. So much so, that the Robertson case was withdrawn by Robertson because of the 9th Circuit ruling. This happened two days into the local trial and well before the merits of the local case were ruled upon. This case was not "won" by either party. The mischaracterization in the City application that the City "won" is misleading and untrue. The losers in this bad public policy ruling are the disabled community wanting better access to public facilities. ADA law to benefit the disabled was further eroded.

The claims in the City's permit application are particularly deceptive because it appears to be a way the City is trying to circumvent the mandated permit condition to examine ways to improve ADA access to the Children's Pool Beach in the current beach closure permit application.

The email message copied below from Mr. Robertson's attorney, Russell Handy the evening before they withdrew that lawsuit. It explains the reason the case was withdrawn and why it was not "won" by the City. The Robertson case was withdrawn.

A mandate of ADA law requires "reasonable accommodation" for access and was the basis for the monetary payment to the plaintiff Jack Robertson by the City. The agreement to withdraw the case included dropping any court cost claims by the City. In doing so it can be shown that the City was responsible for failing to provide "reasonable accommodation" for access by denying the use of the existing beach ramp at Children's Pool.

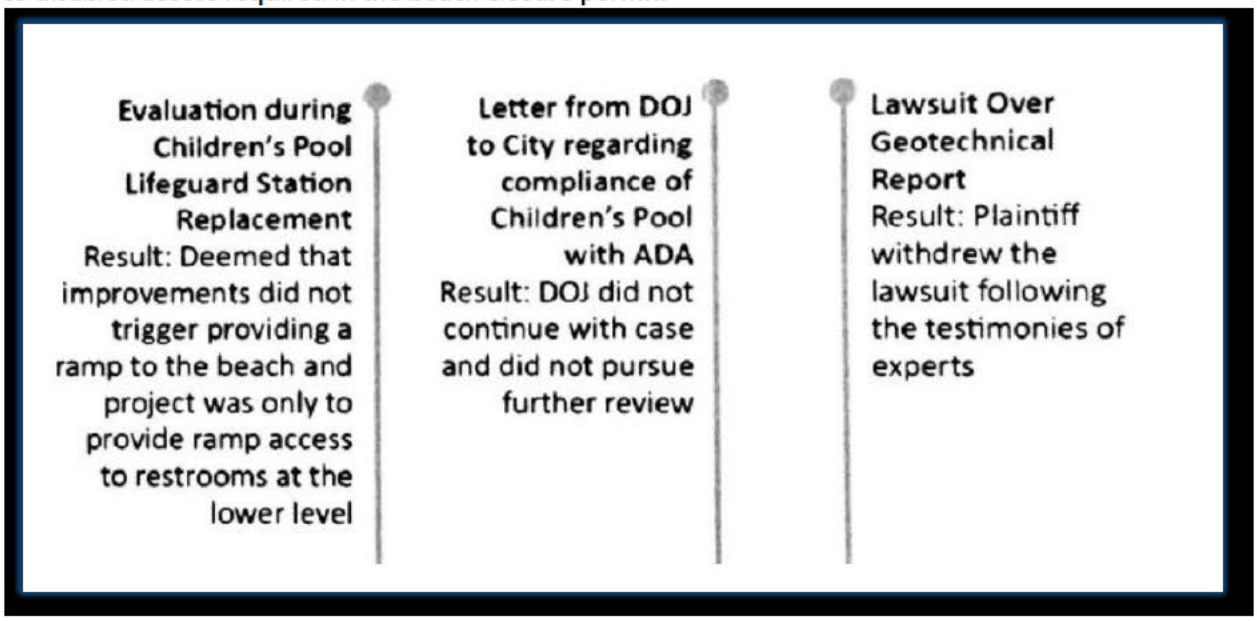
Mr. Robertson is paraplegic confined to a wheelchair but is an accomplished ocean swimmer who has had to be carried up and down the stairs to access the beach. This is a very dangerous and unnecessary way to access the beach. Leading up to the Robertson lawsuit, City staff refused Mr. Robertson's requests to open the locked gate blocking the beach access ramp. The "reasonable accommodation" he sought was to be allowed to roll up and down the ramp with help from friends but that option was denied by the City and continues to this day. The gate remains locked during the open beach season leaving only the stairs for access.

There is a continuing lack of "reasonable accommodation" that is at issue with the City's pending permit application. The paved surface of the ramp has been neglected for decades. The resulting deterioration has caused ramp and bluff erosion. The City has added to their disregard to the disabled community by constructing an unpermitted concrete barrier across the beach access ramp. This once well-used public

beach access has been blocked by defiant City Officials. Simple repairs would make this ramp safe and available to everyone. The Coastal Commission, while considering any permit renewal application should require that this beach access ramp be restored and reopened for public use. This will provide the additional benefit of providing that "reasonable accommodation" for disabled visitors and be incompliance with the original conditions in the beach closure permit the City wants to renew.

28 CFR 35.130(b)(7)(i)'s mandate to "make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability . . .

Another claim in the City's permit application is misleading because the Robertson case was not decided on a geotechnical report from the City geological expert. It was withdrawn strictly on the merits of the 9th Circuit court case, Kirola v. City of San Francisco. The local disputes over access to Children's Pool were not resolved during the Robertson case. The City, by its own evaluation, determined that the construction of a new lifeguard tower and ADA accessible restrooms and showers at Children's Pool did not trigger a requirement to make the beach access ramp ADA compliant. Their refusal to reopen the public access ramp must be corrected by the Coastal Commission in compliance with the improvements to disabled access required in the beach closure permit.



Please require the City to clarify the record of the Robertson lawsuit and correct the permit application. Any permit extension being considered must require the repair and reopening of the beach access ramp.

Sincerely,

Kenneth L. Hunrichs, President
Friends of the Children's Pool

Email message from Robertson Attorney, Russell Handy:

Subject: Terrible Ruling
From: Russell Handy <russ@po□erhandy.com>
Date: 6/22/2017, 10:19 PM
To: Ken Hunrichs <kenhunrichs@cox.net>, Isabel Masanque <IsabelM@po□erhandy.com>
CC: "7seas@san.rr.com" <7seas@san.rr.com>, Mark Po□er <mark@po□erhandy.com>

Folks,

My spirit is crushed. The Ninth Circuit ruling that got published today destroys our argument. It is an unbelievable ruling. I have attached a copy of the ruling. The key findings and language are highlighted in yellow. [copied below]

Let me summarize:

The case is Kirola v. City of San Francisco. Kirola and a class of persons with disabilities sued the City and County of San Francisco because numerous parks and public rights of way (and other facilities) were not accessible under Title II of the ADA.

One of the critical issues on appeal was how to define the "program" for Title II's programmatic access standard. The Ninth Circuit has now laid down the law that in this Circuit, "program" will be defined very broadly and is not site specific. Here are a few clips of the ruling:

"We sympathize with the frustration of mobility impaired individuals who may show up to many of San Francisco's parks and then find themselves shut out. But perfect accessibility is not the applicable standard under 28 C.F.R. § 35.150. We also note that the City operates a website that gives information on the accessibility of its various parks, information that can help disabled persons plan which parks to visit. Kirola argues that certain parks offer unique benefits, and that when those parks are inaccessible, the existence of other, accessible parks does not provide an adequate substitute. For example, she asserts that Golden Gate Park provides inaccessible benefits such as a Model Yacht Clubhouse, a Rose Garden, and a Shakespeare Garden, among other amenities, that are unique to Golden Gate Park. But program access does not operate at such a narrow level of review. See Daubert, 760 F.3d at 988. There may be something unique about every park and every facility. But 28 C.F.R. § 35.150 requires only that the program as a whole be accessible, not that all access barriers—and not even all of those at the most iconic locations—be remedied."

This guts our case. Truly crushes the case. Our argument is that the La Jolla Children's Pool is iconic and offers benefits not found at any other beach. The same arguments made in Kirola. The Ninth Circuit said, in essence, "does not matter." They "sympathize" with folks like Jack who show up to the Children's Pool and will get "shut out" but the ADA does not require every location be accessible.

The judge's willingness in our case to let in all the evidence about beach wheelchair programs, and therapeutic programs, and mats to be laid out, etc. - meant he was already open to the argument that the "program" was beaches and not just a single beach. But this case now cinches the issue. Let me be more blunt: the Ninth Circuit has changed the playing field. We will not win this case.

I think we might salvage something by arguing that the failure to unlock the gate -- on the many times that Jack requested it be opened -- was a violation of 28 CFR 35.130(b)(7)(i)'s mandate to "make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability . . . ."

Given that (under binding Ninth Circuit interpretation of the law) a single beach (Casa Beach) did not have to be accessible to provide programmatic access, then we have a situation where wheelchair users who, nonetheless, want to gain access to the beach must "fend for themselves" and find a way down. Thus, when a person like Jack asks for a modification to the practice of locking that gate as a necessary step to provide him access, it might be a violation of the law to fail to honor that request.

I hate to deliver this type of news. I cannot believe that years of work, scores of depositions and experts invoices, etc. come down to a Ninth Circuit ruling during the middle of trial testimony. But, given that the Ninth Circuit has interpreted the law this way, we have to figure out how to salvage something from the case and avoid a cost bill by a prevailing City.

Terrible Ruling imap://imap.cox.net:993/fetch>UID>/INBOX>99865?header=print 2 of 2 4/2/2019, 3:07 PM

FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

IVANA KIROLA, On Behalf of Herself and The Certified Class of Similarly Situated Persons, *Plaintiff-Appellant*, v. CITY AND COUNTY OF SAN FRANCISCO; GAVIN NEWSOM, in his official capacity as Mayor; AARON PESKIN, in his official capacity as President of the Board of Supervisors; JAKE MCGOLDRICK; MICHELA ALIOTO-PIER; ED JEW; CHRIS DALY; SEAN ELSBERND; BEVAN DUFFY; TOM AMMIANO; SOPHIE MAXWELL; ROSS MIRKARIMI; GERARDO SANDOVAL, in their official capacities as members of the Board of Supervisors, *Defendants-Appellees.*	No. 14-17521 D.C. No. 4:07-cv-03685-SBA OPINION

Appeal from the United States District Court
for the Northern District of California
Saundra B. Armstrong, District Judge, Presiding

Argued and Submitted December 14, 2016
San Francisco, California

FRIENDS OF THE CHILDREN'S POOL
Protecting an 80 year old San Diego heritage.

We reach the same conclusion regarding San Francisco's RecPark program. Kirola and the other class members testified to encountering barriers at some parts of various parks. *Kirola*, 74 F. Supp. 3d at 1219–20. But their anecdotal experiences do not establish that the RecPark program, consisting of 220 parks and 400 structures, is inaccessible when viewed in its entirety. Kirola's experts inspected 13 parks, 7 mini-parks, and 16 playgrounds, finding access barriers at many of them. *Id.* at 1227. But their analysis still covered only a small fraction of the City's total park offerings. The same goes for her experts' analysis of recreation centers and clubhouses, where they inspected only thirteen of the City's total seventy-three. *Id.* Moreover, after expert Mastin inspected eleven recreation centers, he concluded that only four were inaccessible. *Id.*

The City does not dispute that its parks contain some access barriers. MOD at one point concluded that the RecPark program contained roughly 400 such barriers. *Id.* at 1230. But the presence of these barriers does not establish that the RecPark program was inaccessible when viewed as a whole. We sympathize with the frustration of mobility-impaired individuals who may show up to many of San Francisco's parks and then find themselves shut out. But perfect accessibility is not the applicable standard under 28 C.F.R. § 35.150. We also note that the City operates a website that gives information on the accessibility of its various parks, information that can help disabled persons plan which parks to visit.

Kirola argues that certain parks offer unique benefits, and that when those parks are inaccessible, the existence of other, accessible parks does not provide an adequate substitute. For example, she asserts that Golden Gate Park provides

inaccessible benefits such as a Model Yacht Clubhouse, a Rose Garden, and a Shakespeare Garden, among other amenities, that are unique to Golden Gate Park. But program access does not operate at such a narrow level of review. *See Daubert*, 760 F.3d at 988. There may be something unique about every park and every facility. But 28 C.F.R. § 35.150 requires only that the program as a whole be accessible, not that all access barriers—and not even all of those at the most iconic locations—be remedied.

Finally, Kirola contends that the City's own definition of an "accessible park" is too lenient to ensure meaningful access. On the RecPark website, the City defines an "accessible park" as one that has an "accessible entry" and "at least one accessible recreational opportunity." *Kirola*, 74 F. Supp. 3d at 1216. But as the district court recognized, the City does not use this definition as its standard for ensuring program access. *Id.* at 1263. Rather, the City uses the definition as part of its effort to inform disabled individuals about which parks they may or may not be comfortable visiting. The above considerations lead us to conclude that Kirola has not met her burden of proving a lack of program access to the City's park system.

At bottom, Kirola's program access claims fail for lack of proof. She did not present evidence sufficient to show that the City's public right-of-way and RecPark programs, when viewed in their entirety, were not readily accessible to and usable by individuals with disabilities. The district court properly rejected Kirola's program access claims. We affirm the district court's program access holdings.

FRIENDS OF THE CHILDREN'S POOL
Protecting an 80 year old San Diego heritage.

FRIENDS OF THE CHILDREN'S POOL
LA JOLLA, CALIFORNIA

California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

RECEIVED
APR - 2 2019
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits.

Friends of the Children's Pool requests that the information in the three previous studies by Coastal Environments and TerraCosta Consulting Group be made part of the public comment record for the beach closure and rope barrier permit renewal application by the City of San Diego, Parks and Recreation Department.

Enclosed are three reports from studies commissioned by the City from August, 1998 "**La Jolla Children's Pool, Beach Management and Water Quality Improvement Project**", November, 2008 "**La Jolla Children's Pool, San Excavation and Placement Plan**" and February, 2009 **Geology & Hydrology Study, CP Sand Excavation EIR**.

These three studies by Coastal Environments (2) and TerraCosta Consulting Group (1) were conducted to examine the feasibility of projects to restore and repair the environmental degradation at Children's Pool to a condition favorable to the continued safe use and enjoyment of the Pool. All three of these studies concluded there are feasible options to improve Children's Pool Beach sand and water quality and swimming safety conditions.

The website for Coastal Environments contains this mission statement very applicable to the current situation at Children's Pool and their two previous studies:

"Coastal Environments is committed to offering the best and most efficient oceanographic, coastal engineering, and environmental consulting services in the industry. . . We are dedicated to the success of our projects – today, tomorrow and far into the future."

The City hired Hany Elwany, Ph.D, of the Coastal Environments firm and Walter F. Crampton, Principal Engineer from TerraCosta Consulting Group to help with project planning to improve health and safety conditions by a systematic examination of various options for sand relocation to achieve those improvement goals. Among the options were sand removal to increase the size of the sheltered area behind the concrete seawall. With periodic maintenance this option will have the effect of reducing the seal waste bacterial overload occurring on the Children's Pool Beach. It is commonly acknowledged that the beach sand is a significant reservoir of fecal bacteria that contributes to the poor water quality nearshore at Children's Pool Beach.

Although these studies were conducted several years ago, the conditions at Children's Pool which prompted these studies still exists. The solutions to many of the current problems are found in these detailed studies. The City committed taxpayer funds to find solutions to solve the ongoing environmental problems at Children's Pool. It is incumbent on the City, through voluntary cooperation

or the Coastal Development Permitting process, to begin implementing these solutions to protect public health and safety.

The City's most recent study, mandated by conditions on the beach closure permit **CDP # 6-14-0691** under review by the Coastal Commission for June, 2019, appears to be an attempt to deceive the Commission about the feasible options for improvement at Children's Pool. The prior studies available to the City show that there are available options for improving conditions.

The City declared the only option is continued water quality monitoring of a closed beach with well-known problems. This is not realistic nor should it be accepted by the Coastal Commission. If the City is not held to account for their lack of action to address the known health and safety problems, the result is a popular recreational beach that will be subjected to worsening conditions. The public's confidence in the Coastal Commission's role in beneficially administering the Coastal Act will be greatly diminished.

So far, the City has been able to avoid responsibility for the environmental impact of their seasonal closure of Children's Pool Beach. The Coastal Commission must require reasonable and realizable improvement goals before ever considering a ten year permit renewal for something as serious as a public beach closure. The Coastal Act protects our cherished right of access to the California coast and will continue to do so in the future with the careful oversight by the Coastal Commission.

Please require an implementation plan with clearly defined improvement standards for any beach closure permit renewal at Children's Pool. The time for more studies is long past. It is time to act to protect the safety of the public at Children's Pool. Only by denying the City's long term permit application will that ever happen.

Sincerely,



Kenneth L. Hunrichs, President
Friends of the Children's Pool

FRIENDS OF THE CHILDREN'S POOL
LA JOLLA, CALIFORNIA

The specific purpose of this corporation is to educate the public as to the use of the Children's Pool in accord with Miss Ellen Scripps' charitable intent in 1931 in order to protect La Jolla Children's Pool surroundings as a public park, a bathing pool for children, and public recreational usage in accordance with chapter 937 of the deed of trust between Miss Ellen Browning Scripps, the State of California, and the City of San Diego, county of San Diego. Publicize the return of Children's Pool to public recreational use. Promote water quality and safety. Facilitate cleaning the beach and adjacent areas to make it attractive and convenient for public use.

From: Ken Hunrichs
To: ChildrensPool@Coastal
Subject: Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits
Date: Monday, April 29, 2019 10:00:21 AM
Attachments: bfafhfbf.png
heggcgga.png
gpgfgafhfimhagnd.png

This is an email conversation with City officials about the unpermitted construction of a barrier wall across the beach access ramp at Children's Pool.

Please add this message to the project file for Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits.

-------- Forwarded Message --------
Subject: Re: New concrete wall obstructing beach access ramp at Children's Pool
Date: Thu, 21 Jan 2016 21:23:20 -0800
From: Ken Hunrichs <kenhunrichs@cox.net>
To: Garver, Justin <JGarver@sandiego.gov>
CC: Dan Allen <danallen@alum.mit.edu>, Cindy Greatrex <cindy.greatrex@diplomats.com>, Steve W. Haskins <steveh@haskinslaw.com>

Thanks Justin,

I realize you are just the messenger but this explanation is full of holes. I don't accept this explanation as factual because the City is operating under a Coastal Development Permit that, throughout the permit, calls out for the new, upper ramp to meet the old beach access ramp. It is clearly stated that the original Baja Rd ramp would continue to remain in service as an "emergency" ramp. This explanation, as creative and carefully crafted as it could be, is just not true. The so called "emergency ramp" cannot be conditioned on the initiation of another entirely new project to continue its use. The tower project CDP does not allow for this.

room. The plaza level includes two work stations, a ready/observation room, kitchenette, restroom and first aid station. The observation level includes a single occupancy observation space, radio storage closet and exterior catwalk. Interior stairs link the floors. The existing plaza will be reconfigured to provide a ramp for emergency vehicles to the beach and pedestrians to the lower level accessible restrooms and showers. Enhanced paving, seating and viewing space, drinking fountains, adapted landscaping and water efficient irrigation are also included.

Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The proposed development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way identified in the Local Coastal Program land use plan in affect for the site. The proposed development will be located within the footprint of the current, closed lifeguard station. The plaza level floor which sits above the restrooms has been shifted slightly to the southeast, opening public views to the Children's Pool to the north and beach to the west of the building.

To expend any money to save those rusty old gates is a poor use of taxpayers resources. The gates are not even necessary since the City has proven that something as simple as a misleading yellow rope in the right place can close a beach. A padlocked chain also works. These old rusty gates have become obsolete and are being used as an excuse by someone in the City to place this barrier across the ramp.

The "contaminated" runoff from the new ramp is captured in a drain at the foot of the new ramp. Where that water is redirected has nothing to do with this new wall. Even the small area between the drain and the new barrier wall is sloped toward that drain and towards the walkway outside the new restrooms. It will not drain toward the Baja Rd.

Another City spokesman, Scott Robinson, has stated that pedestrian safety is also a reason this wall was built. There is no pedestrian traffic in the closed construction site to worry about unless this wall is considered a permanent part of the project. The status as a beach access ramp was changed during the construction of the new ramp in violation of the CDP. It must be returned to service immediately by removing the barrier wall.

The project managers consider the original Baja Rd ramp and bluff to be outside the scope of work of the lifeguard tower project. That limit line was carefully considered I'm sure. However, a similar situation existed when the new ramp was graded into the bluff above S. Casa Beach from Coast Blvd to the top of the old ramp. The remnants of the bluff on the seaward side of the curb and railing was also outside of the project limit lines. And yet, those remnants of the original bluff were properly graded to match the new ramp. It has since been improved with landscaping and irrigation; all outside the project limit line.

A simple solution is being obfuscated in the claims the new barrier wall is temporary and will need a new project to allow the wall to be removed. It is becoming evident the City is not being transparent in its dealings with the community on this issue and with compliance with the CDP. The Baja Rd ramp is recognized in the community plan/LCP as an established public access and emergency ramp. It must remain usable as a ramp whether or not there is a future project to improve the condition. The "temporary wall" makes that impossible and appears to be another slap in the face to the disabled users of Children's Pool who cannot use the stairs.

Thanks for the information. I will continue to follow up on this. I hope you will inform Councilmember Lightner of the nonsensical explanation for this new wall and try to determine who authorized this wall to be built.

Ken Hunrichs

On 1/21/2016 2:44 PM, Garver, Justin wrote:

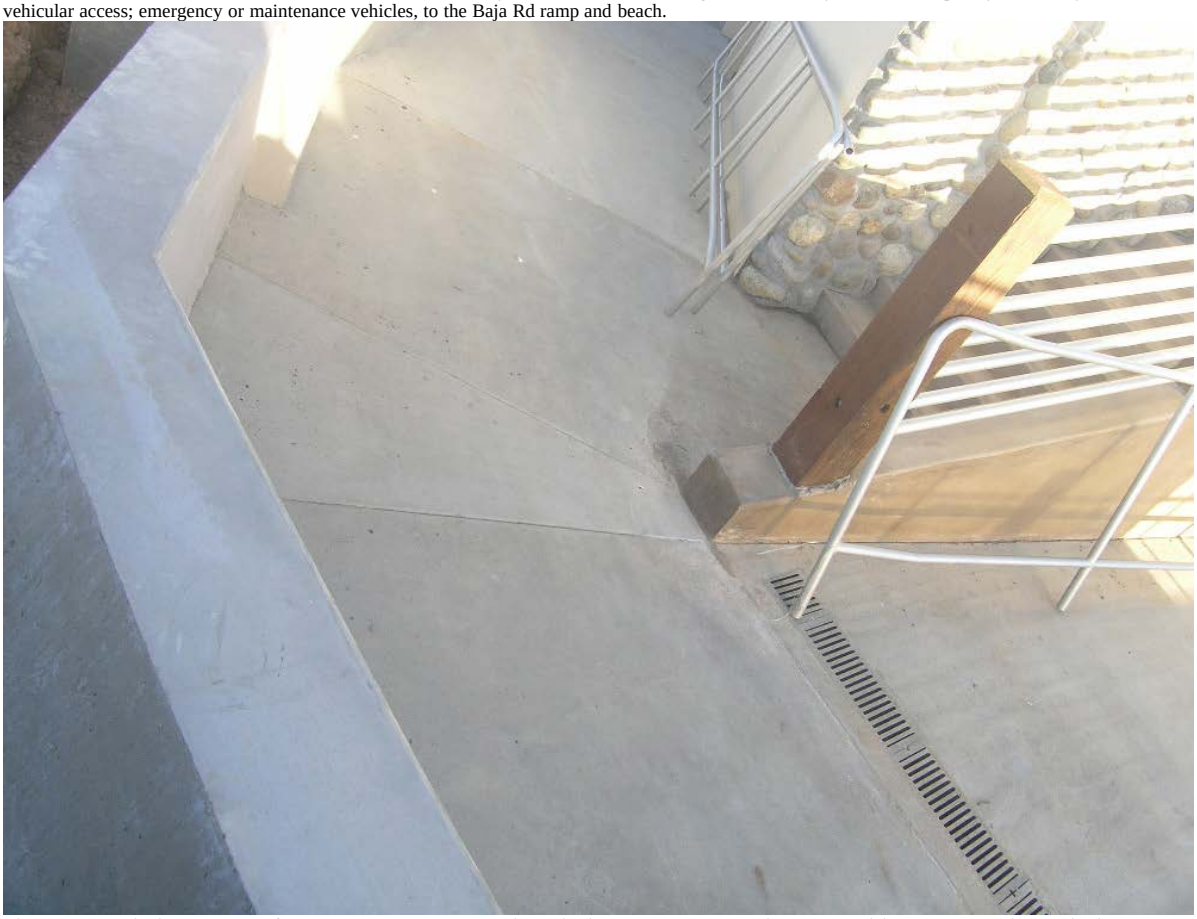
> Hi Ken,
>
> I wanted to pass along information regarding your email and questions. I also wanted to let you know that I added your email to the Children's Pool construction project email distribution list to ensure you are receiving project updates.
>
> Best Regards,
>
> **Justin Garver**
> Environmental Policy Advisor/Council Representative
> City of San Diego - Council District 1
> Office of Council President Sherri S. Lightner
> Phone: (619) 236-6611
>
> Disclosure: This email is public information. Correspondence to and from this email address is recorded and may be viewed by third parties and the public upon request.
>
> The new temporary retaining wall at the bottom of the La Jolla Children's Pool site ramp was constructed to provide structural support for the existing vehicle gate and to ensure compliance with regional storm water requirements. The existing vehicle gate was indicated to remain in place in the contract documents approved by the community.
>
> Construction of the new site ramp required the existing grade to be lowered. By lowering the grade, the soil that used to support the footing of the vehicle gate was removed and thus the footing for the vehicle gate was severely weakened. Since there was a grade difference between the new construction and the existing emergency vehicle path, a temporary retaining wall was constructed in order to provide retrofit structural support for the gate footing, hold back the soil, and prevent contaminated rainwater runoff. The current permit limits of work did not allow grading to occur on the existing vehicle path beyond the gate.
>
> This temporary retaining wall can be removed if a future project is executed to modify the vehicle gate or existing emergency vehicle path. If you have additional questions, please let us know.
> Thank you,
> Mónica
>
> Mónica Muñoz
> Senior Public Information Officer
> Communications Department
> desk 619.533.4584
> 202 C Street, 4th Floor, MS 4A
> San Diego, CA 92101
> munozm@sandiego.gov
>
> ***-A world-class city for all-***
> *City of San Diego Strategic Plan Vision*
> *CONFIDENTIAL COMMUNICATION*
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>
> ---
>
> **From:** Garver, Justin
> **Sent:** Thursday, December 17, 2015 5:58 PM
> **To:** 'Ken Hunrichs' <kenhunrichs@cox.net>
> **Subject:** RE: New concrete wall obstructing beach access ramp at Children's Pool
>
> Hi Ken,
>
> Thank you for the email. I have reached out to staff and asked them to look into your concerns. I will provide you with more information once I receive it.
>
> Happy Holidays!
>
> **Justin Garver**
> Environmental Policy Advisor/Council Representative
> City of San Diego - Council District 1
> Office of Council President Sherri S. Lightner
> Phone: (619) 236-6611

Disclosure: This email is public information. Correspondence to and from this email address is recorded and may be viewed by third parties and the public upon request.

From: Ken Hunrichs [mailto:kenhunrichs@cox.net]
Sent: Tuesday, December 15, 2015 11:32 PM
To: Councilmember Sherri Lightner <SherriLightner@sandiego.gov>; Garver, Justin <JGarver@sandiego.gov>
Cc: Dan Allen <DanAllen@alum.mit.edu>; la jolla Parks & Beaches, Inc. <lajollaparksandbeaches@gmail.com>; Cindy Greatrex <cindy.greatrex@diplomats.com>; Melinda Merryweather <mbeherenow@sbcglobal.net>; Michael Costello <emsmike@san.rr.com>; Demorest, Erin <EDemorest@sandiego.gov>; info@lajollacpa.org
Subject: New concrete wall obstructing beach access ramp at Children's Pool

Councilmember Lightner and other interested parties,

A new concrete barrier wall has been constructed blocking the beach access ramp at Children's Pool under the old gate. Nowhere was there authorization to permanently block an existing beach access ramp in the coastal development permit for the improvements at the new lifeguard tower at Children's Pool. This wall blocks coastal access contrary to the Local Coastal Program/Community Plan and completely blocks any vehicular access; emergency or maintenance vehicles, to the Baja Rd ramp and beach.



This is particularly contrary after an agreement was made with the City to correct the ramp width to accommodate vehicle access along the new, upper portion of the beach access ramp. This correction required moving the large retaining wall along that new ramp to make the seven and a half foot wide ramp at least ten feet wide. Unfortunately, the lower end of that wall was also misplaced to project into the ramp causing an unnecessary restriction at the lower portion near the stair landing.

Since there appears to be no engineering necessity, the motivation of this new barrier wall seems to have been built more out of spite towards the residents of San Diego opposing the ever expanding restrictions at Children's Pool. There are plenty of people who remember using this ramp regularly as a safe alternative to the crumbling and sometimes dangerous stairway to the beach. Or perhaps this is a response by someone in the City to a Superior Court ruling, unfavorable to the City, in the Robertson v. City of San Diego lawsuit over access for disabled persons to Children's Pool Beach.

Whatever the reason, I am asking for you and your staff to investigate this breach of the approved development plans for Children's Pool and have this corrected as soon as possible and return this beach access ramp back to its original, usable condition.

Sincerely,

Ken Hunrichs

From John Leek, Jleek001@san.rr.com

To California Coastal Commission staff public input on Children's Pool public access restrictions renewal.

Addr Childrenspool@coastal.ca.gov.

Let me state my qualifications. They will take more than a single letter. I am one of a handful of people in the entire state who know the history and facts about this matter, particularly how 5 years ago an earnest local staff was given incomplete and often false information to work with. Not only from the applicant/client and from nationally based special interest groups, but even untruths and fake news published by the National Oceanic and Atmospheric Administration (NOAA). I have experienced all of this first hand.

I have accused a federal agency of tampering with California politics and using fake news to do it, even though that agency is charged by Congress to always work from "the best available science". More of that later. Only last year claims of federal sovereignty were debunked in court by the California Coastal Commission and Attorney General's office, obtaining a decision that NOAA does NOT hold pre-eminence over wildlife management in the Coastal Zone. The Coastal Commission is not constrained to act only within federal interpretations of its Marine Mammal Protection Act. Even whether NOAA has any jurisdiction at all in the California Coastal Zone is doubtful.

In 2014, NOAA Long Beach found the Children's Pool was a terrible public relations situation. I had invited the Long Beach director to look at signs his office had posted asserting shore visitors within 50 feet of a seal would merit federal prosecution. He had the signs removed and published his letter reminding the City of San Diego it lacked authority to enforce any law concerning seal protection without having California petition NOAA for Management Authority. San Diego chose to ignore NOAA as it had chosen to several times over decades. Note when the Coastal Commission won the appeal verdict determining the Coastal Act is not subject to federal interpretations, there had been no defense given by NOAA personnel. Not a word. Either NOAA knew it never had pre-eminence in California or "threw the fight" to unburden itself. Regardless of their motives, the Coastal Commission is free this time around to stand up for the right of Californians to access the ocean.

NOAA still claims California citizens must adhere to its policies, as mandates. These policies require no person be within 100 yards of a marine mammal, and are enforceable because the MMPA allows any action that even has the potential to disturb (in federal appraisal) is illegal. Habeas corpus notwithstanding. California Constitution notwithstanding. State Lands Act notwithstanding. None of those reasons that San Diego felt forced to seek permission to close a public beach and punish trespassers on behalf of an ineffective federal agency hold water any more. The Coastal Commission is free to give permits to open beaches to the public as well as close them, on its own terms. Which will it do?

John Leek

3090 Admiral Ave, San Diego, 92123

From:	John Leek
To:	ChildrensPool@Coastal
Subject:	Fwd: I had promised you some documents
Date:	Saturday, April 13, 2019 10:07:30 AM
Attachments:	superior court rejects rope permit.rtf AMICUS BRIEF.pdf Appeal decision.pdf Yates replies for Stelle 7_1_2106.docx

---

Please put this email and its attachments in the file as public comment on the Children's Pool renewals.

-------- Forwarded Message --------
Subject: I had promised you some documents
Date: Fri, 1 Feb 2019 17:21:58 -0800
From: John Leek <jleek001@san.rr.com>
To: melody.lasiter@coastal.ca.gov

When we met earlier this week I asked if you knew the Coastal Commission now is responsible for all marine mammals in the Coastal Zone. You said you did not, so I meant to catch you up. Children's Pool has set legal precedents for the CCC. When the rope permit was first proposed, the City was having trouble getting it past their own Planning Commission. The upper half of the beach was above the mean high tide line and needed the City to originate its own permit for that. The Coastal Commission staff checked with the City Attorney and their legal staff and determined the upper beach was historic submerged tidelands. So the the entire beach was effectively below the mean high tide because the area was all submerged even well after the wall was built in 1930.

So it would seem any land that can be shown to have ever been submerged can be considered to be below a historic high tide line and so under direct CCC jurisdiction. I can copy you that if it is not in your records.

Another legal hurdle to be overcome was a ruling that long before, the rope barrier had been judged an impediment to beach access and so illegal under the State Constitution itself, and the Coastal Act. I attached a court opinion on that. That ruling was gotten around by the City Attorney convincing the legislature to change the trust, and by submitting the rope barrier permit to the CCC as "not intended to affect beach usage". If the data required to be collected to support the rope barrier permit can show people ignored it, then the terms of that permit will have been met.

The major court victory happened recently with an appeals court decision accepting the Coastal Commission's arguments that the Coastal Act is a

separate legal system not subject to review by other courts. Therefor even in spite of NOAA Long Beach pointing out that the closure would violate sect 109a of the Marine Mammal Protection act, federal law had no pre-eminence here, especially in light of earlier NOAA letters to San Diego urging the City to either close the beach, or run off the seals. Either would solve their problem, and NOAA had repeatedly stated it did not have the resources to deal with San Diego's local seal problems, while the Coastal Commission considered them valuable coastal resources under the Act. That is documented too.
So in spite of clear language in MMPA sec 109a, NOAA really wanted San Diego and California to assume management authority for seals to relieve NOAA of that burden, either through MMPA sec 109b or by having a California court rule it so. With the help of the California Attorney General's office and lawyers from local animal rights groups that was achieved. I am attaching the documents. Marine mammals in the Coastal Zone are assuredly a valuable resource for local governments, as they have been demonstrated to attract tourists, and merit protection under the Coastal Act from degradation by public access.

You will need to be prepared to defend this renewal though not closing the other seal rookery behind Children's Pool or fencing off the Point la Jolla sea lion rookery, or dealing with new seals, seal lions and elephant seals arriving on urban beaches all over California. I would be happy to give you a tour of our interactive sea lion rookery and tourist attraction any time. I will let you know when the unpublicized unprotected seal rookery is going and give you a tour of that phenomenon as well. Or I can send you a bunch of videos, but such is the stuff of fake news, you know.

G053709

In the Court of Appeal
Fourth District of California
(Division 3)

FRIENDS OF THE CHILDREN'S POOL

Plaintiff and Respondent

vs.

THE CITY OF SAN DIEGO

Defendant and Appellant

COASTAL COMMISSION OF THE STATE OF CALIFORNIA

Defendant and Respondent

AMICUS CURIAE BRIEF OF THE SEAL CONSERVANCY IN SUPPORT OF APPELLANT CITY OF SAN DIEGO

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INTRODUCTION

The court below made two fundamental errors in deciding this case. The first is in its assumption that the federal government has and can exercise plenary authority over land that inarguably belongs to the City of San Diego ("City") and is under the exclusive jurisdiction of the City and the State of California.

The court's second error is in concluding that the City's exclusion of human traffic from its land is preempted by a federal statutory scheme that, first, has nothing to do with land management and, second, cannot operate to preclude the City's exercise of its exclusive jurisdiction over its proprietary land.

The trial court's decision was unaccompanied by substantial authority for its interpretation of the Preemption Doctrine, so it is difficult to determine how the court concluded that preemption – something that is not favored and is sparingly applied – is appropriate in this instance.

The concept of federal pre-emption derives from the Supremacy Clause of the United States Constitution and implicates fundamental notions of state sovereignty, the independence of state authority, Constitutional limits on enumerated federal powers and the United States' unique scheme of dual sovereignty. It calls into play the basic concepts undergirding the American federal system going back to the Founding. Accordingly, this brief is intended to provide this Court the historical, theoretical and Constitutional background on which the Court's decision must ultimately rest.

The Seal Conservancy ("Conservancy") is a non-profit organization of concerned citizens that has, for some years, acted on behalf of the harbor seals who have established a nursery for the birth and nurturing of their young; the voiceless ones whose only ability to be heard is through their human advocates. The Conservancy has acted in protection of the largely helpless mother seals not only through advocacy but by public education and even on-site monitoring and physical protection. It has also supported City efforts to secure its property and to exclude human traffic during certain critical times of year. The Conservancy is vitally concerned with the maintenance of the tremendous public and environmental resource of Southern California's only harbor seal rookery.

The briefs of the parties herein will doubtlessly include a detailed background to provide the factual setting of the dispute. So, Amici will not recount it here. For our purposes, the only necessary facts for the argument set forth herein is that California assumed ownership of its coast and tidelands on statehood. In 1931, the State of California granted the property at issue herein to the City of San Diego, in trust for certain purposes. The City remains legal owner thereof through that grant.

HISTORICAL BACKGROUND

Any analysis of a claim of federal preemption must be informed by a firm understanding of the sources and limitation of federal power and the extent of state sovereignty in our federal system. We beg the Court's indulgence, therefore, because it is our view that preemption cannot be understood in isolation from its historical underpinnings.

After years of ferment, the thirteen English colonies in North America declared, each in its order, their independence from Great Britain. In doing so, each colony declared itself a free and independent "state", by which it meant "a political body, or body politic". The Founders self-consciously chose the term "state" to describe a discrete, independent government exercising exclusive jurisdiction over a defined geographical area. By these acts each colony became a self-governing nation inheriting all sovereign rights and powers of the Crown within its borders. *Ware v. Hylton* (1796) 3 U.S. (Call.) 199, 223; *Alden v. Maine* (1999) 527 U.S. 706, 713.

Each state operated (and still operates) independently of every other State. Each established and maintained its own instruments of government, laws and methods of governing. *Ware v. Hylton*, *supra*, at 224

> "Before these solemn acts of separation from the Crown of Great Britain, the war between Great Britain and the United Colonies, jointly, and separately, was a civil war; but instantly, on that great and ever memorable event, the war changed its nature, and became a PUBLIC war between independent governments; and immediately thereupon ALL the rights of public war (and all the other rights of an independent nation) attached to the government of Virginia; and all the former political connection between Great Britain and Virginia, and also between their respective subjects, were totally dissolved; and not only the two nations, but all the subjects of each, were in a state of war; precisely as in the present war between Great Britain and France. Vatt. Lib. 3. c. 18, s. 292. to 295. lib. 3. c. 5. s. 70. 72 and 73." *Id.*

The separate and complete sovereignty of the original states was sufficiently important to the founding generation that it enshrined

it in their first formal treaty, the Articles of Confederation, Article II.[1] The States' succession to the sovereignty of the Crown has repeatedly been reaffirmed by the Supreme Court. (*Ware v. Hylton*, supra; *Martin v. Waddell* 41 U.S. 367 at 367 (1842) ("When the Revolution took place, the people of each state became themselves sovereign..."); *Shively v. Bowlby* 152 U.S. 1, 14-15 (1894) ("And upon the American Revolution, all the rights of the Crown and of Parliament vested in the several States...").)

As independent sovereigns, the States established separate governments; adopted individual state constitutions; enacted criminal and civil statutes; imposed taxes and imposts; established and maintained courts; and succeeded to all other incidents and prerogatives of the sovereignty previously enjoyed by the Crown in North America,[2] including ownership of all vacant and unappropriated land within their borders. Id. Included in those lands were the territorial waters and tidelands. *United States* v. *California,* 332 U. S. 19 (1947)

The adoption of the Constitution did not change that paradigm. The sovereignty of the states was fully preserved and has been recognized by the United States Supreme Court in decision after decision. We will explore this concept in more detail hereinbelow. For present purposes, however, suffice it to say that state sovereignty and the prerogatives that flow from it is a value of Constitutional moment and will not lightly be disregarded.

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[1] "Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled."

[2] (See, Curtis, *History of the Origin, Formation, and Adoption of the Constitution of the United States*, Harper Bros., 1860; Vol.1, page 38)

THE EQUAL SOVEREIGNTY PRINCIPLE

As we have observed, on independence from England, the original thirteen colonies became sovereign nations. The extent of that nationhood can be measured by the fact that some states imposed tariffs on others; that some states exchanged ambassadors and that all formed their own armies and, some, their own navies.[3] That status as independent nations must inform any understanding of the creation of a national compact among the states that created a nascent national body to which the states delegated certain, discrete powers. But the Articles of Confederation that accomplished this specifically and by its terms preserved state independence. That status is recognized in the very name of our nation: The "United States" of America; a league of sovereign nations united by a single compact.

A league of any sort necessarily has members and those members must necessarily be equal under the rules of the league. So it is that each new state that was added to the league after the Founding was admitted on an equal footing to all of its predecessor sister states. The seminal case articulating this principle, the Equal Footing Doctrine, is *Pollard v. Hagen* 44 U.S. 212 (1945). In that case, the Supreme Court found that when Alabama achieved statehood, it succeeded to all incidents of sovereignty within its borders previously belonging to the United States because new States must be admitted on an equal footing with the original States in all respects whatever. *Id.* at 222 ("And whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted by its

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[3] Claude H. Van Tyne, *Sovereignty in the American Revolution: An Historical Study*, 12 AM.HIST.REV. 529 (1906–07)

delegates into the congress of the United States, on an equal footing with the original states in all respects whatever"), and at 223 ("When Alabama was admitted into the union, on an equal footing with the original states, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession . . .").

All of the Equal Footing cases emphasize the sovereignty of the States and that the "footing" on which they are equal to the original States, is in the forms, rights and incidents of sovereignty to which the original States succeeded from the Crown on independence.

> "No principle is more familiar than this, that whilst a state has granted a portion of its sovereign power to the United States, it remains in the enjoyment of all the sovereignty which it has not voluntarily parted with . . . In the Constitution, what power is given to the United States over the subject we are now discussing? In a territory they are sovereign, but when a state is erected a change occurs. A new sovereign comes in."
> *Id.*, at 215

The same issue arose in *Shively v.* Bowlby, 152 U.S. 1 (1892). Shively claimed ownership of land on the basis of a grant by the United States and Bowlby claimed through Oregon. The Court found for Bowlby on the basis of the retained sovereignty of the State and its admission to the Union on an equal footing with the original States that succeeded to the Crown's sovereign rights in land below the high water mark. The Court wrote:

> "Clearly, congress could exact of the new State the surrender of no attribute inherent in her character as a sovereign, independent state, or indispensable to her equality with her sister States, necessarily implied and guaranteed by the very

nature of the Federal compact." *Shively*. at 152 U.S. at 34; 14 S.Ct. at 560

Accordingly, when the State of California was admitted to the Union in 1850, it succeeded to all of the sovereign powers enjoyed by the original thirteen states and the sister states that preceded her, including ownership in the tidelands and territorial waters along its coast.

THE STATES RETAIN MUNCIPAL SOVEREIGNTY

So, what are the incidents of sovereignty to which California succeeded on statehood?

Sovereignty, in the conduct of collective human activity, is the right of a people or a government to conduct its internal affairs in accordance with its discrete rulemaking mechanisms. The "sovereign", whether a nation-state or one of the United States, has the power to: make laws for the governance of a people; impose taxes; enforce laws; enter into agreements and treaties with other sovereign peoples and states; conduct national trade; raise armies and navies; act on behalf of the state in relation to other sovereigns; conduct national and internal defense for the protection of the state and its people; and, acquire, own and dispose of land in the name of the sovereign by right of purchase, conquest or discovery. *Johnson and Graham's Lessee v. M'Intosh* 21 U.S. 543, 595-596 (1823)[4]; All of those powers inhered in the original thirteen states until specific powers, such as the conduct

[4] *See, also, Biersteker, Thomas; Weber, Cynthia (1996). State Sovereignty as Social Construct. Cambridge Studies in International Relations 46. Cambridge University Press; Blackstone's Commentaries, Book 1, Chapter 7; Commentaries On the Constitutions and Laws, Peoples and History, of the United States: And Upon the Great Rebellion and Its Causes*; Ezra Champion Seaman, Ann Arbor, 1863; page 173.

of foreign relations and the raising of armies and navies, were delegated to the national government.

From the earliest days of the Republic, it has been recognized that the states are the primary seat of sovereignty and retain that sovereignty after statehood. In *Pollard v. Hagan* 44 U. S. (3 How) 211, 223, the Supreme Court wrote:

> "And, if an express stipulation had been inserted in the agreement, granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative; because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a state or elsewhere except in cases in which it is expressly granted."

To understand the Court's meaning, one must understand an ancient concept little used in modern days and that is the notion of "municipal sovereignty". The Court defined that concept eight years before it decided *Pollard* in *New York v. Miln* 36 U.S. (11 Pet.) 102, 139 (1837) In that case the court wrote of "municipal sovereignty":

> "We choose rather to plant ourselves on what we consider impregnable positions. They are these:
>
> That a state has the same undeniable and unlimited jurisdiction over all persons and things within its territorial limits as any foreign nation where that jurisdiction is not surrendered or restrained by the Constitution of the United States. That, by virtue of this, it is not only the right but the bounden and solemn duty of a state to advance the safety, happiness, and prosperity of its people and to provide for its general welfare by any and every act of legislation which it may deem to be conducive to these ends where the power over the particular subject or the manner of its exercise is not surrendered or restrained in the manner just stated. That all those powers which relate to merely municipal legislation, or what may

> perhaps more properly be called internal police, are not thus surrendered or restrained, and that consequently, in relation to these, the authority of a state is complete, unqualified, and exclusive."

An early treatise on the subject explains the significance of the distinction:

> The distinction between national sovereignty and municipal sovereignty is not an arbitrary one but naturally arises out of the nature of government and has often been recognized by the United States supreme court as a distinction which marks the boundary line between federal and state power.[5]

As *Pollard* recognizes, the states retain plenary power and sovereignty over the land within their borders that is privately owned or owned by the state itself and has exclusive police power with respect to it.

The *Pollard* Court went on to write:

> "We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory, of which Alabama or any of the new States were formed."
> *Pollard*, at 221.

And, further, at page 223, the Court wrote:

> "[B]ecause, the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted."

Finally, at pages 228-229, the *Pollard* Court concluded:

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[5] *Federal Procedure at Law: A Treatise on the Procedure on Suits at Common Law*; Vol. 1 by C.L. Bates, T.H. Flood & Co., 1908, page 148; § 181.

"Alabama is therefore entitled to the sovereignty and jurisdiction over all the territory within her limits, subject to the common law,"

In *Fort Leavenworth R. Co. v. Lowe* 114 U.S. 525, 531, 5 S.Ct. 995 (1885), the Supreme Court carefully explained the limits of federal power in land within state borders:

> "The consent of the states to the purchase of lands within them for the special purposes named, is, however, essential, under the Constitution, to the transfer to the general government, with the title, of political jurisdiction and dominion. Where lands are acquired without such consent, the possession of the United States, unless political jurisdiction be ceded to them in some other way, is simply that of an ordinary proprietor. The property in that case, unless used as a means to carry out the purposes of the government, is subject to the legislative authority and control of the states equally with the property of a private individual."

THE STATE OF CALIFORNIA RETAINS POLICE POWERS OVER ALL LAND WITHIN ITS BORDERS THAT IT OWNS OR IS PRIVATELY OWNED.

In *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 132 S. Ct. 2566, 2578 (2012), Chief Justice Roberts recently explained the rationale for the retention of police powers by the several states:

> "State sovereignty is not just an end in itself: Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power." *New York* v. *United States*, 505 U.S. 144, 181, 112 S. Ct. 2408, 120 L. Ed. 2d 120 (1992) (internal quotation marks omitted). Because the police power is controlled by 50 different States instead of one national sovereign, the facets of governing that touch on citizens' daily lives are normally administered by smaller governments closer to the governed. The Framers thus ensured that powers which "in the ordinary course of affairs, concern the lives, liberties,

> and properties of the people" were held by governments more local and more accountable than a distant federal bureaucracy. The Federalist No. 45, at 293 (J. Madison). The independent power of the States also serves as a check on the power of the Federal government: "By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power." *Bond* v. *United States*, 564 U.S. ___, ___, 131 S. Ct. 2355, 2364, 180 L. Ed. 2d 269, 280 (2011).

Justice Roberts went on to explain what police powers are retained by the states and denied to the federal government. In *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 132 S. Ct. 2566, 2578 (2012) he wrote:

> Indeed, the Constitution did not initially include a Bill of Rights at least partly because the Framers felt the enumeration of powers sufficed to restrain the Government. As Alexander Hamilton put it, "the Constitution is itself, in every rational sense, and to every useful purpose, A BILL OF RIGHTS." The Federalist No. 84, p. 515 (C. Rossiter ed. 1961). And when the Bill of Rights was ratified, it made express what the enumeration of powers necessarily implied: "The powers not delegated to the United States by the Constitution . . . are reserved to the States respectively, or to the people." U.S. Const., Amdt. 10. The Federal government has expanded dramatically over the past two centuries, but it still must show that a constitutional grant of power authorizes each of its actions. See, *e.g., United States* v. *Comstock*, 560 U.S. 126, 130 S. Ct. 1949, 176 L. Ed. 2d 878 (2010).
>
> The same does not apply to the States, because the Constitution is not the source of their power. The Constitution may restrict state governments--as it does, for example, by forbidding them to deny any person the equal protection of the laws. But where such prohibitions do not apply, state governments do not need constitutional authorization to act. The States thus can and do perform many of the vital functions of modern government--punishing street crime, running public schools, and zoning

> property for development, to name but a few--even though the Constitution's text does not authorize any government to do so. Our cases refer to this general power of governing, possessed by the States but not by the Federal government, as the "police power." See, *e.g., United States* v. *Morrison*, 529 U.S. 598, 618-619, 120 S. Ct. 1740, 146 L. Ed. 2d 658 (2000).
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> *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 132 S. Ct. 2566, 2578 (2012).

THE CITY OF SAN DIEGO OWNS THE LAND AT ISSUE HEREIN BY GRANT FROM THE STATE OF CALIFORNIA.

What territory, then, is encompassed by California's municipal sovereignty and its exclusive rights of jurisdiction, ownership and management? When California entered the Union it retained ownership of all land under navigable waters, both onshore and off. Again, *Pollard v. Hagen*, supra, is dispositive. In that case, the plaintiff sought judgment that he was the rightful owner of land previously below the high water mark on Mobile Bay in Alabama by reason of a patent issued to him by the United States government. The Court held that the United States held no such title, title having passed upon statehood to Alabama, which had the sole right of disposition. The Court found that when Alabama achieved statehood, it succeeded to all incidents of sovereignty within its borders previously belonging to the United States because new States must be admitted on an equal footing with the original States in all respects whatever. *Id.* at 222.[6] That includes ownership of the tidelands in coastal states like California.

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[6] "And whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted by its delegates into the congress of the United States, on an equal

This was confirmed more recently in *Utah Division of State Lands v. United States* 482 U.S. 193 (1987), in which the Court decided that, under the Equal Footing Doctrine, the bed of Utah Lake transferred to the State of Utah upon statehood; this after nearly a century during which virtually everyone – certainly the federal government – assumed ownership to be in the United States because of vague wording in a 1888 Act that reserved certain lands to the United States.

The language in *Utah Division of State Lands* is instructive. The Court begins its opinion by exploring the origins of the Equal Footing Doctrine, instructing that at the time of the American Revolution, certain lands belonged to the sovereign under English common law as a matter of sovereign right and were retained and managed for certain sovereign purposes. When the original States declared their independence, they became sovereign successors to the English Crown and legitimately laid claim to those lands. Because those lands were inherited by the original States by sovereign succession, all new States must, correspondingly, succeed to ownership of similar lands within their borders on statehood, under the Equal Footing Doctrine. The Court stated:

> The equal footing doctrine is deeply rooted in history, and the proper application of the doctrine requires an understanding of its origins. Under English common law the English Crown held sovereign title to all lands underlying navigable waters. Because title to such land was important to the sovereign's ability to control navigation, fishing, and other

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footing with the original states in all respects whatever", and 223 "When Alabama was admitted into the union, on an equal footing with the original states, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession . . .".

> commercial activity on rivers and lakes, ownership of this land was considered an essential attribute of sovereignty. Title to such land was therefore vested in the sovereign for the benefit of the whole people. See *Shively* v. *Bowlby*, 152 U.S. 1, 11-14 (1894). When the 13 Colonies became independent from Great Britain, they claimed title to the lands under navigable waters within their boundaries as the sovereign successors to the English Crown *Id.*, at 15. Because all subsequently admitted States enter the Union on an "equal footing" with the original 13 States, they too hold title to the land under navigable waters within their boundaries upon entry into the Union. *Pollard's Lessee* v. *Hagan*, 3 How. 212 (1845).[7]

The sources of California's rights were explored by the Supreme Court in *Martin v. Waddell.* 41 U.S. (16 Pet.) 367, 426 (1842). The Court wrote:

> "In the case of *Johnson v. McIntosh,* 8 Wheat. 595, this Court said that according to the theory of the British constitution, all vacant lands are vested in the Crown, as representing the nation, and the exclusive power to grant them is admitted to reside in the Crown as a branch of the royal prerogative. And this principle is as fully recognized in America as in Great Britain; all the lands we hold were originally granted by the Crown; our whole country has been granted, and the grants purport to convey the soil as well as the right of dominion to the grantee. Here the absolute ownership is recognized as being in the Crown, and to be granted by the Crown, as the source of all title, and this extends as well to land covered by water as to the dry land; otherwise no title could be acquired to land under water."[8]

Martin was preceded by *Clark v. Smith*, 38 U.S. (13 Pet.) 195, 201 (1839), in which the Court wrote: "..the ultimate fee...was in the

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[7] 482 U.S. 193, 195 (1987)
[8] *Id.* at 426.

Crown previous to the Revolution, and in the States of the Union afterwards."

In the mid-Twentieth Century, the matter of ownership of land off shore became one of some controversy as state governments found that valuable resources were available for extraction in those lands. The Supreme Court was asked, again, to decide the extent of state ownership of such lands as Texas claimed ownership well into the sea and beyond what had traditionally been recognized as the extent of state sovereignty. In 1950, the Supreme Court decided *United States v. Texas,* 339 U.S. 707 (1950) and, while recognizing the rights of the states to ownership of the land shoreward of the low water mark, found that on statehood on an equal footing with its sister states, Texas ceded its rights beyond three miles of the low water mark.

This became a political issue and the development of law thereafter is set forth in detail by Justice O'Connor in *United States v. Alaska* 521 U.S. 1 (1997):

> Several general principles govern our analysis of the parties' claims. Ownership of submerged lands-which carries with it the power to control navigation, fishing, and other public uses of water-is an essential attribute of sovereignty. *Utah Div. of State Lands* v. *United States,* 482 U. S. 193, 195 (1987). Under the doctrine of *Lessee of Pollard* v. *Hagan, 3* How. 212, 228-229 (1845), new States are admitted to the Union on an "equal footing" with the original 13 Colonies and succeed to the United States' title to the beds of navigable waters within their boundaries. Although the United States has the power to divest a future State of its equal footing title to submerged lands, we do not "lightly infer" such action. *Utah Div. of State Lands, supra,* at 197.

> In *United States* v. *California,* 332 U. S. 19 (1947) *(California* 1), we distinguished between submerged lands located shoreward of the low-water line along the State's coast and submerged lands located seaward of that line. Only lands shoreward of the low-water line-that is, the periodically submerged tidelands and inland navigable waters-pass to a State under the equal footing doctrine. The original 13 Colonies had no right to lands seaward of the coastline, and newly created States therefore cannot claim them on an equal footing rationale. *Id.,* at 30-33. Accordingly, the United States has paramount sovereign rights in submerged lands seaward of the low-water line. *Id.,* at 33-36. In 1953, following the *California I* decision, Congress enacted the Submerged Lands Act, 67 Stat. 29, 43 U. S. C. § 1301 *et seq.* That Act "confirmed" and "established" States' title to and interest in "lands beneath navigable waters within the boundaries of the respective States." § 1311(a). The Act defines "lands beneath navigable waters" to include both lands that would ordinarily pass to a State under the equal footing doctrine and lands over which the United States has paramount sovereign rights, beneath a 3-mile belt of the territorial sea. § 1301(a). The Act essentially confirms States' equal footing rights to tidelands and submerged lands beneath inland navigable waters; it also establishes States' title to submerged lands beneath a 3-mile belt of the territorial sea, which would otherwise be held by the United States. *California ex rel. State Lands Comm'n* v. *United States,* 457 U. S. 273, 283 (1982). The Alaska Statehood Act expressly provides that the Submerged Lands Act applies to Alaska. Pub. L. 85-508, § 6(m), 72 Stat. 343 (1958). As a general matter, then, Alaska is entitled under both the equal footing doctrine and the Submerged Lands Act to submerged lands beneath tidal and inland navigable waters, and under the Submerged Lands Act alone to submerged lands extending three miles seaward of its coastline.

What these cases make very clear, then, is that California succeeded to sole ownership of the land at issue herein and had the power to transfer it. It did so, as all parties concede, in a tidelands

trust, to the City of San Diego that now retains – together with California – sole discretion over its management and use.

This concept is central to the trial court's error herein. The court wrongly assumed that the federal government has the power to control and manage land that inarguably belongs to the City of San Diego. But that is not correct. That management and control falls exclusively to the State of California which retains exclusive sovereignty over non-federal land within its borders and to its political subdivision, the City of San Diego, which owns the land. The federal government has no right of ownership, management or control of that land unless granted it by the State of California. *Fort Leavenworth R. Co. v. Lowe* 114 U.S. 525, 531, 5 S.Ct. 995 (1885) There has been no such grant herein.

The trial court's fundamental ruling was that the City of San Diego has the power to manage its own property "*only* if the Secretary [of the Interior or Commerce] had previously granted full authority to City and/or Commission to manage the subject property" [*emphasis supplied*] (*Statement of Decision*, page 15 lines 1 -6). But, as we have seen, the federal government has no such police power or municipal sovereignty over lands that do not belong to it and cannot exercise same without the consent of the State; consent which the State has not granted. (*Id.*)

It is noteworthy that the court below cited no authority for this proposition. That is because the proposition is not correct as a matter of Constitutional law.

THE CITY OF SAN DIEGO HAS EXCLUSIVE AND COMPLETE DISCRETION TO EXCLUDE TRAFFIC FROM LAND IT OWNS.

Cities and counties in the State of California have the right to make and enforce regulations within their limits pursuant to a grant thereof by the California Constitution Article XI, § 7. Although the exercise of the police power must be confined to local regulations and is subject to the general laws of the State of California, it is otherwise as broad as that of the Legislature. *In re Maas* (1933) 219 Cal. 422, 424; *Birkenfeld v. Berkeley* (1976) 17 Cal.3d 129, 140.

Among the proper subjects of local regulation are use of the land, *Great Western Shows v. Los Angeles* (2002) 27 Cal.4th 853, 873 and use of the public streets. *Loska v. Superior Court* (1986) 188 Cal.App.3d 569, 579. This exclusive power includes the right to exclude entry to property owned by the City. *Higgins v. Santa Monica* (1964) 62 Cal.2d 24, 28. See, also *Alioto's Fish Co. v. Human Rights Commission of San Francisco* (1981) 120 Cal.App.3d 594, 604.

In *Higgins*, after recounting the grant of tidelands by the State of California to Santa Monica, in trust, for certain purposes, the Supreme Court held that Santa Monica therefore had discretion to manage and operate its land in a manner of its exclusive choosing, including the right to prohibit entry and the conduct of certain activities on its land. In doing so, the Court held that Santa Monica's discretion was extremely extensive and subject only to an abuse of discretion standard. The Court held that Santa Monica had the power

to exclude, to manage and to determine, in its discretion, what sort of activities it would allow to occur on its land.

The *Higgins* case is one to which this Court should pay particular attention because its fact pattern closely tracks that of the instant case. The tidelands at issue in that case belonged to the State of California which transferred them to the City of Santa Monica for certain purposes. The State later amended the purposes for which the grant was made – primarily commercial purposes – to include the possibility of recreational purposes for the general public. Through a citizen initiative, Santa Monica prohibited exploration for oil on the tidelands and the Court found that Santa Monica had the discretion to decide who could enter its property; what they could do on its property and who it could exclude from its property. The Court held that unless Santa Monica adopted an ordinance that was transparently contrary to the purposes for which the State made its grant, as amended, it was otherwise free to legislate as it wished and to constitutionally exercise its discretion and its ability to exclude with respect to its property.

The Court also found that Santa Monica's exercise of discretion was not preempted by State law. In doing so the Court wrote:

> Furthermore, section 6305 of the Public Resources Code confers "upon the counties and cities to which such [tide] lands have been granted" all the leasing powers granted to the State Lands Commission. All the state's oil-leasing powers are vested in, and exercisable by, that commission. (Pub. Resources Code, §§ 6102, 6216, 6301, 6501.1.) It follows that all such powers in respect to the tidelands granted to Santa Monica are now vested in that city.

Clearly, San Diego has and retains discretion to manage its own assets as it deems proper, in its sole discretion. It needs no permission from the federal government to do so.

In *Alioto*, the court recognized San Francisco's right to enforce provisions of its lease of municipal land to a restauranteur. The premise of the case was that San Francisco had the power to lease its land and, hence, to exclude those who were *not* subject to the lease, and to enforce covenants within the lease that were conditions of the lessee's continued occupancy.

In sum, the federal government has no power or authority over the use of State or City land. In the instant case, then, the State and City retain municipal sovereignty over their land, including the land at issue herein. San Diego's ordinance excluding the general public from its land for periods of time in accordance with its exercise of legitimate legal authority and plenary power is proper under the law and the court below erred in finding that it was required to obtain federal permission to do so.

SAN DIEGO'S EXERCISE OF PLENARY AUTHORITY OVER MANAGEMENT AND OCCUPATION OF ITS LAND IS NOT PREEMPTED BY FEDERAL LAW.

The trial court provided no guidance with respect to the authority upon which it relied in deciding that San Diego's ordinance was preempted by federal law. However, we must start by observing what it is that the Federal Marine Mammals Protection Act was intended to accomplish. 13 U.S.C. 1362 Section 2 sets forth the findings and purposes of the statutory scheme. It is to protect and conserve current populations of marine mammals, including harbor

seals, from "taking", which includes, among other things, "killing", "harassing" and "molesting" those subject to the protection of the Act. It also provides for the replenishment, enhancement and increase of such populations. The section goes on to read:

> "...it is the sense of the Congress that they should be protected and encouraged to develop to the greatest extent feasible commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, it should be the goal to obtain an optimum sustainable population keeping in mind the carrying capacity of the habitat."

That overarching purpose must inform any pre-emption analysis because the fundamental notion underlying pre-emption is that state and municipal law must not interfere with legitimate federal goals based on legitimate delegated federal powers. Among those delegated powers, we hasten to emphasize, is *not* the power to seize or manage state or municipal property which the federal government is constitutionally prohibited from doing.

1. **Source of Federal Preemption**.

When Congress exercises a granted power, affected persons may challenge concurrent conflicting state legislation using the "Preemption Doctrine". The "Supremacy Clause", United States Constitution, Article VI, cl. 2, mandates that federal law overrides, i.e., "*preempts*", any state regulation where there is an actual conflict between the two sets of legislation such that both cannot stand. *S.J. Groves &Sons Co. v. Fulton County* (1991) 920 F.2d 752, 763; Rotunda & Nowak, *Treatise on Constitutional Law,* 5th Edition, Vol. 2, § 12.1; page 300.

Note, however, that the first prerequisite for invoking the Preemption Doctrine is that the power the federal government purports to exercise must legitimately be granted to it. As we have seen, state sovereignty and the prerogatives and police powers that accompany it, are critical national values preceding the Founding; constitute the very basis for our federal system and are consistently Constitutionally protected. (See *Alden v. Maine* 52 U.S. 706 (1999); *Shelby County v. Holder* 133 S.Ct. 2612 (2013). Accordingly, the ordinance at issue herein cannot be preempted on the basis of a federal right to manage and control the land to which the ordinance is directed because the federal government does not have the legitimate delegated power to do so.

In *Alden v. Maine*, 527 U.S. 706 (1999) the Supreme Court upheld, on the basis of the equality of the States, the right of States to the protection of sovereign immunity, even as against claims under federal law. In that case, police officers in Maine sued the state in federal court for violation of the Federal Fair Labor Standard Act of 1938. The Court affirmed dismissal on the basis that Maine had not consented to suit and was entitled to the protection of sovereign immunity as an incident of its status as a sovereign State. The Court wrote:

> "Although the Constitution establishes a National government with broad, often plenary authority over matters within its recognized competence, the founding document "specifically recognizes the States as sovereign entities." *Seminole Tribe of Fla. v. Florida, supra*, at 71, n. 15; accord, *Blatchford v. Native Village of Noatak*, 501 U.S. 775, 779, 115 L. Ed. 2d 686, 111 S. Ct. 2578 (1991) ("The States entered the federal system with their sovereignty intact"). Various textual provisions of the

Constitution assume the States' continued existence and active participation in the fundamental processes of governance. See *Printz v. United States*, 521 U.S. 898, 919, 138 L. Ed. 2d 914, 117 S. Ct. 2365 (1997) (citing Art. III, § 2; Art. IV, §§ 2-4; Art. V). The limited and enumerated powers granted to the Legislative, Executive, and Judicial Branches of the National government, moreover, underscore the vital role reserved to the States by the constitutional design, see, e.g., Art. I, § 8; Art. II, §§ 2-3; Art. III, § 2. Any doubt regarding the constitutional role of the States as sovereign entities is removed by the Tenth Amendment, which, like the other provisions of the Bill of Rights, was enacted to allay lingering concerns about the extent of the national power. The Amendment confirms the promise implicit in the original document: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." U.S. Const., Amdt. 10; see also *Printz, supra*, at 919; *New York v. United States*, 505 U.S. 144, 156-159, 177, 120 L. Ed. 2d 120, 112 S. Ct. 2408 (1992).

The federal system established by our Constitution preserves the sovereign status of the States in two ways. First, it reserves to them a substantial portion of the Nation's primary sovereignty, together with the dignity and essential attributes inhering in that status. The States "form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority than the general authority is subject to them, within its own sphere." The Federalist No. 39, p. 245 (C. Rossiter ed. 1961) (J. Madison).

Second, even as to matters within the competence of the National government, the constitutional design secures the founding generation's rejection of "the concept of a central government that would act upon and through the States" in favor of "a system in which the State and Federal governments would exercise concurrent authority over the people -- who were, in Hamilton's words, 'the only proper objects of government.'" *Printz, supra*, 521 U.S. at 919-920 (quoting The Federalist No. 15, at 109); accord, *New York, supra*, at 166 ("The Framers explicitly chose a Constitution that confers upon

> Congress the power to regulate individuals, not States"). In this the founders achieved a deliberate departure from the Articles of Confederation: Experience under the Articles had "exploded on all hands" the "practicality of making laws, with coercive sanctions, for the States as political bodies." 2 Records of the Federal Convention of 1787, p. 9 (M. Farrand ed. 1911) (J. Madison); accord, The Federalist No. 20, at 138 (J. Madison & A. Hamilton); James Iredell: Some Objections to the Constitution Answered, reprinted in 3 Annals of America 249 (1976)"[9]

Just two years ago, the Supreme Court again reaffirmed the power and continuing vitality of the Equal Sovereignty Principle in *Shelby County v. Holder* 133 S.Ct. 2612 (2013). In deciding that the preclearance requirement of the Voting Rights Act was unconstitutional, the Court wrote:

> Not only do States retain sovereignty under the Constitution, there is also a "fundamental principle of *equal* sovereignty" among the States. *Northwest Austin*, *supra*, at 203, 129 S. Ct. 2504, 174 L. Ed. 2d 140 (citing *United States* v. *Louisiana*, 363 U.S. 1, 16, 80 S. Ct. 961, 4 L. Ed. 2d 1025 (1960); *Lessee of Pollard* v. *Hagan*, 44 U.S. 212, 3 How. 212, 223, 11 L. Ed. 565 (1845); and *Texas* v. *White*, 74 U.S. 700, 7 Wall. 700, 725-726, 19 L. Ed. 227 (1869); emphasis added). Over a hundred years ago, this Court explained that our Nation "was and is a union of States, equal in power, dignity and authority." *Coyle* v. *Smith*, 221 U.S. 559, 567, 31 S. Ct. 688, 55 L. Ed. 853 (1911). Indeed, "the constitutional equality of the States is essential to the harmonious operation of the scheme upon which the Republic was organized." *Id.*, at 580, 31 S. Ct. 688, 55 L. Ed. 853. *Coyle* concerned the admission of new States, and *Katzenbach* rejected the notion that the principle operated as a *bar* on differential treatment outside that context. 383 U.S. at 328-329, 86 S. Ct. 803, 15 L. Ed. 2d 769. At the same time, as we made clear in *Northwest Austin*, the fundamental

[9] *Id.* at 713-715

> principle of equal sovereignty remains highly pertinent in assessing subsequent disparate treatment of States." *Id.* at 2623-2624.

In light of the vital Constitutional presumption of state sovereignty, then, pre-emption is not lightly to be found. *Chamber of Commerce of the United States v. Whiting* 563 U.S. 582, 607 (2011) ("Our precedents "establish that a high threshold must be met if a state law is to be pre-empted for conflicting with the purposes of a federal Act.") Indeed, the Supreme Court has, in recent years, imposed a presumption *against* preemption. *New York State Dept. of Social Services v. Dublino* 413 U.S. 405, 413 (1973) ("If Congress is authorized to act in a field, it should manifest its intention clearly. It will not be presumed that a federal statute was intended to supersede the exercise of the power of the state unless there is a clear manifestation of intention to do so. The exercise of federal supremacy is not lightly to be presumed." *Schwartz* v. *Texas*, 344 U.S. 199, 202-203 (1952).)

Bolstering the Court's clear deference to Constitutional state prerogatives, in *Brockett v. Spokane Arcades, Inc.* 472 U.S. 491, 502 (1985), the court held that even if a court were to determine that federal law preempts state law, is must displace state law only to the extent is *actually conflicts* with federal law. (See, also, *Dalton v. Little Rock Family Planning Services* 516 U.S. 474 (1996))

2. **Basic Test For Preemption**.

The Court formulated analytical standards for preemption in the early cases of *Hines v. Davidowitz* 312 U.S. 52 (1941) and *Pennsylvania v. Nelson* 350 U.S. 497 (1956). In *Hines*, the Court held

that when Congress fully occupies a field of law *in which it has jurisdiction to act and state law conflicts with the purpose of a federal statute,* state law must be preempted. *Hines* at 62-62. In *Pennsylvania v. Nelson,* the Court articulated a three prong test for preemption: 1.) whether the federal regulatory scheme was so pervasive as to fully occupy the area and preclude additional legislation; (2) whether the field required national uniformity, and (3) the extent of danger of conflict between state laws and the administration of the federal program. *Nelson* at 502-503.

In *Silkwood v. Kerr-Mcgee Corp.* 464 U.S. 238 (1984), the Court set forth, in simple terms, its basic approach to pre-emption:

> 'As we recently observed in *Pacific Gas & Electric Co.* v. *State Energy Resources Conservation & Development Comm'n,* 461 U.S. 190 (1983), state law can be pre-empted in either of two general ways. If Congress evidences an intent to occupy a given field, any state law falling within that field is pre-empted. *Id.*, at 203-204; *Fidelity Federal Savings & Loan Assn.* v. *De la Cuesta,* 458 U.S. 141, 153 (1982); *Rice* v. *Santa Fe Elevator Corp.,* 331 U.S. 218, 230 (1947). If Congress has not entirely displaced state regulation over the matter in question, state law is still pre-empted to the extent it actually conflicts with federal law, that is, when it is impossible to comply with both state and federal law, *Florida Lime & Avocado Growers, Inc.* v. *Paul,* 373 U.S. 132, 142-143 (1963), or where the state law stands as an obstacle to the accomplishment of the full purposes and objectives of Congress, *Hines* v. *Davidowitz,* 312 U.S. 52, 67 (1941)."

In *Silkwood,* Kerr-Mcgee argued that Oklahoma was prohibited from allowing for the imposition of punitive damages on the operator of a nuclear power facility because the federal government had, by the stated terms of its statutory scheme, asserted exclusive regulatory

authority over nuclear power plants. The Court disagreed. It found that while the federal government did, in fact, have *stated* exclusive regulatory authority over nuclear facilities, that did not preclude Oklahoma from allowing the imposition of punitive damages on claims arising from injuries suffered by its citizens at the hands of the operators of such facilities. The federal government occupied the field of nuclear regulation, but not the field of damages arising from the management of nuclear facilities.

Likewise, herein, the federal government has occupied the field of marine mammal protection, but not the field of the management land where marine mammals might rest. The Marine Mammals Protection Act simply does not and cannot have preemptive impact on the exercise of discretionary City land management.

3. **State Sovereignty and Federal Power**.

As we have seen, preemption can occur only if Congress acts in an area in which it has the delegated authority to do so. *New York State Dept. of Social Services v. Dublino* 413 U.S. 405, 413 (1973); *Schwartz* v. *Texas*, 344 U.S. 199, 202-203 (1952). Accordingly, if Congress has no authority to act in an area of law, its enactment cannot have preemptive impact. *Id.* What has the City of San Diego done in this instance? It has exercised its plenary and exclusive authority to manage land it owns. Its ordinance is directed to one object and one object only: the closure of land it owns and the exclusion of human traffic during a defined, discrete time of year. What prompted the City's decision to enact the ordinance at issue herein is wholly irrelevant, just as California's Supreme Court found in *Higgins v. Santa Monica* (1964) 62 Cal.2d 24. If it was within its

authority to act, it is permissible and cannot be overturned, absent an abuse of discretion.

The result might be different, if the City did not own the property in question and would unquestionably be different if the federal government did so. But, as we have seen, not only does the federal government not own the land in question, it has no authority over the land in question because that land was ceded to California's exclusive ownership on statehood as a matter of Constitutional law. That grant was reaffirmed in the *Federal Submerged Lands Act*, 67 Stat. 29, 43 U. S. C. § 1301 *et seq.* The federal government has no power delegated to it under the Constitution of the United States to manage, control or make rules regarding land it does not own and that is owned by a municipality through the state in which it rests. *United States* v. *California,* 332 U. S. 19 (1947); *Fort Leavenworth R. Co. v. Lowe* 114 U.S. 525, 531, 5 S.Ct. 995 (1885); *Shively v.* Bowlby, 152 U.S. 1 (1892). The federal government certainly has no jurisdiction or the power to exclude or to order the State or City to allow access to land belonging to the City.

This is an issue of Constitutional moment and the right to own and manage the land in question rests only and solely with the City and State, to the exclusion of the federal government.

4. **Federal Purposes in the Marine Mammals Protection Act**.

Congress very carefully defined the purposes for which it adopted the *Marine Mammals Protection Act* at 13 U.S.C. 1362 ("Act") Section 2, quoted extensively hereinabove. Conspicuously absent from the provisions of the Act is any reference to the management of lands belonging to coastal states or municipalities. In

fact, the Act makes specific reference to the lands that *are* within the jurisdiction of the United States and subject to the Act at Section 3, Article 15 of the Act:

> (15) The term "waters under the jurisdiction of the United States" means— (A) the territorial sea of the United States; (B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the other boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;

The "territorial sea of the United States" is defined in the 1982 United Nations Convention on the Law of the Sea and it begins at the "low water mark" of any coastal state and extends twelve miles into the ocean. Reference to the "seaward boundary" in the Act means that its jurisdiction begins *after* the tidelands – *seaward* of the low water mark – that Constitutionally specifically belong either to the State of California or, in this instance, to the City of San Diego. In other words, the Act itself limits federal jurisdiction to land beyond the low water mark and, by exclusion, specifically precludes its jurisdiction over the land at issue herein.

As we have seen, as well, under the *Federal Submerged Lands Act*, supra, the land under the coastal strips of the United States belong exclusively to the several coastal states for a distance of three miles.

What is clear from the Act is that the statutory scheme represented by the Marine Mammals Protection Act on which the court below based its decision, is not directed toward the land management of tidelands - the *landward* side of the low water mark – that belong to the City, in this instance. So, the Act cannot preempt

San Diego's discretionary management of its own land because the Act itself is not directed toward that management and makes no reference to it.

The Act is solely directed to the preservation, protection and increase in population of marine mammals and not the land on which they may come to rest.

5. **The City's Ordinance Does Not Conflict With Federal Law.**

The second error made by the court below, therefore, was in finding that the Marine Mammals Protection Act, by its terms, preempted land management authority legitimately – *and Constitutionally* – belonging to the City of San Diego. It does not.

The Act's clear purpose is to protect marine mammal populations and, on that score, it would have preemptive force if the City or the State were to have enacted ordinances or statutes purporting to regulate the taking of marine mammals that conflicted in some way with the Act.

So, while San Diego's ordinance refers to harbor seals, its object is not directed to their taking but, rather, to the City's exclusive right to manage its own land and to exclude the public from land it inarguably owns. There is no conflict between the ordinance and the Marine Mammals Protection Act. Both can simultaneously be obeyed.

It is possible, even, probable, that the City's ordinance retards the harassment and molestation of the harbor seals that rest on its property to give birth. But precluding human traffic from its proprietary land is within the City's sole municipal discretion. Perhaps it advances the federal purposes set forth in the Act by preventing people from entering the land and "taking", in the broad

sense, the seals. But that is not the same as offering a regulation that purports to act in an area of exclusive federal jurisdiction. And the ordinance, standing alone, does nothing to interfere with the federal scheme, as it must to be subject to preemption under *S.J. Groves &Sons Co. v. Fulton County* (1991) 920 F.2d 752, 763; *Silkwood v. Kerr-Mcgee Corp.* 464 U.S. 238 (1984); *Florida Lime & Avocado Growers, Inc.* v. *Paul*, 373 U.S. 132, 142-143 (1963) and *Brockett v. Spokane Arcades, Inc.* 472 U.S. 491, 502 (1985).

Indeed, there is a sound argument to be made that the City's *failure* to enact the ordinance it has would interfere with the federal purposes of the Act by encouraging, aiding and abetting the "taking" of marine mammals by members of the public. Certainly, the harassment or molestation of the seals by human beings is entirely predictable, inasmuch as it has demonstrably occurred. Failure to act can be as blameworthy as acting recklessly, when the harm can reasonably be anticipated. Perhaps the reason the federal government did not request that San Diego enact such an ordinance is that, as we have seen, it has neither the power nor the jurisdiction to compel the City or State to take any action with respect to land that belongs to the City and over which it and the State have exclusive control, jurisdiction and authority. It is also significant that the federal government has not sought to intervene in this case. If it felts its interests were in jeopardy or its exclusive authority challenged because of the ordinance at issue herein, surely it would have done so.

6. **It Is Possible To Comply Both With the Act and With the Ordinance.**

We underscore that in order for federal law to have a preemptive impact on state or local law, complying with both must not be possible. *Florida Lime & Avocado Growers, Inc. v. Paul* 373 U.S. 132, 142-143. In the instant matter, it is entirely possible for both statutory schemes to coexist without impingement on one another. On the one hand, the Act does not purport to regulate land, only the taking of marine mammals. To the extent land is mentioned in the Act, it is land beyond the boundary of the land at issue herein. On the other hand, the ordinance simply purports to manage municipal land by excluding human traffic from a parcel of the City's land for a portion of each year; something coastal municipalities regularly do when beaches become dangerously polluted. The exclusion of human traffic from City-owned land does not conflict either with the goals or purposes of the Act. The Act does not purport to manage land or to preclude municipalities from regulating land under their ownership or jurisdiction. The two legislative schemes address completely different areas of exclusive jurisdiction. They simply do not conflict.

Both governmental entities and the general public can entirely comply with the law of each without conflict or impingement on the prerogatives of the other. Accordingly, the Act simply does not, in any way, preempt the City's ordinance with its exclusion of human traffic from its own land.

CONCLUSION

The decision of the court below was unusual on many levels. It was based, first, on the unconstitutional assumption that the City requires federal permission to close its beaches. It does not. It holds, without authority, that discretionary land management is preempted by an Act that does not address management of the category of land at issue herein. It takes the position that the City's wholly discretionary action that has the effect of precluding human traffic from its land at a time during which seals are giving birth and nurturing their young on that land constitutes an interference with the goals of an Act the purpose of which is to protect those seals and prevent their "taking"; including their harassment and molestation.

The court was wrong on all scores. California, and, through it, San Diego, have exclusive plenary authority over the land in question, as a matter of Constitutional law. The federal government has neither the power nor the jurisdiction to invade that constitutionally protected authority. The Act does not occupy the field of municipal land management or the management of municipal assets, the exclusive purview of the City of San Diego and the State of California. The ordinance interferes with none of the Act's stated goals.

It is possible to obey both bodies of law and preemption is disfavored and, in fact, unavailable, when that is true.

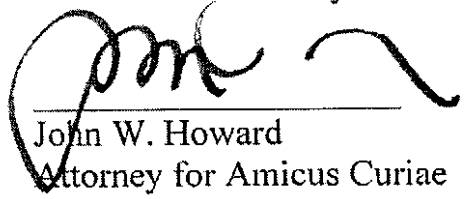
For all of these reasons, the Seal Conservancy urges this Court to reverse the court below and remand this case with directions to

vacate its order and overrule the Respondent's petition.

Dated: January 11, 2017

Respectfully submitted,

JW Howard/~~Attorneys~~.

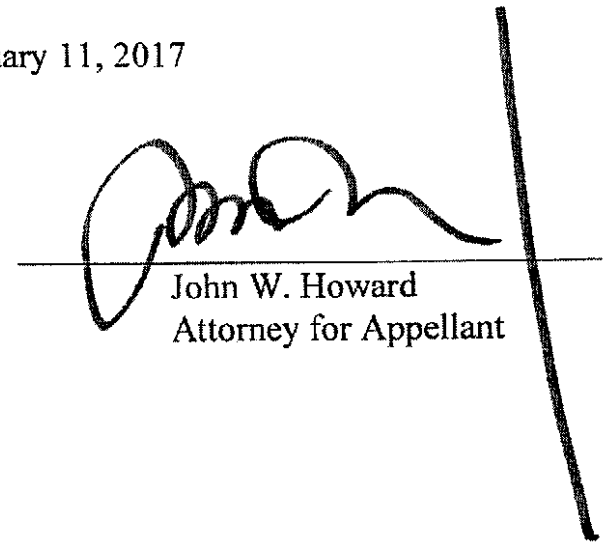


John W. Howard
Attorney for Amicus Curiae
The Seal Conservancy

CERTIFICATE OF WORD COUNT

I certify that the foregoing brief complies with the California Rules of Court, and contains 9,681 (nine thousand six hundred eighty-one) words according to the word count feature of Microsoft Word, the computer program used to prepare the brief.

DATED: January 11, 2017



John W. Howard
Attorney for Appellant

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Court of Appeal Case Number: G053709

Superior Court Case Number: 30-2015-00778153

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         (b) Person served:

            (i) Name: Jenny K. Goodman

            (ii) Address:
            Office of the San Diego City Attorney
            1200 3rd Avenue, Suite 1100
            San Diego, California 92101

         (c) Person served:

            (i) Name: Christine Bull Arndt, Baine P Kerr, California Coastal Commission

            (ii) Address:
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            300 Spring Street, Suite 1702
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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

FRIENDS OF THE CHILDREN'S POOL, Plaintiff and Respondent, v. CITY OF SAN DIEGO et al., Defendants and Appellants.	G053709, G053725 (Super. Ct. No. 30-2015-00778153) O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Frederick Paul Horn, Judge. Request for judicial notice granted. Judgment reversed.

Mara W. Elliott, City Attorney, David J. Karlin and George F. Schaefer, Assistant City Attorneys and Jenny K. Goodman, Deputy City Attorney, for Defendant and Appellant City of San Diego.

Kathleen A. Kenealy, Acting Attorney General, Xavier Becerra, Attorney General, John A. Saurenman, Assistant Attorney General, Andrew M. Vogel, Jennifer W.

Rosenfeld and Baine P. Kerr, Deputy Attorneys General, for Defendant and Appellant California Coastal Commission.

JW Howard/Attorneys and John W. Howard for The Seal Conservancy as Amicus Curiae on behalf of Defendants and Appellants.

Law Offices of Bernard F. King III and Bernard F. King III for Plaintiff and Respondent.

* * *

This appeal concerns regulation of access to a seal rookery located at Children's Pool Beach in San Diego County. Children's Pool Beach is public trust land granted by the State of California to defendant City of San Diego (City). During several months of the year seals reside on the beach to breed, give birth, and nurse and wean seal pups.

Since the late 1990's to early 2000's disputes have arisen between people who want the seals removed and people who want to protect Children's Pool Beach for the seals. This has led to numerous calls to police to control violence. In addition, often visitors to Children's Pool Beach, either negligently or intentionally, disturbed the seals. Such disturbances can result in a variety of negative consequences, including abandonment of pups, premature births or abortions, and stampeding adults that kill pups. Further, when disturbed seals nipped at humans.

City introduced a variety of measures to attempt to mitigate against these problems. Ultimately, with the approval of defendant California Coastal Commission (Commission; collectively with City, defendants), City enacted an ordinance (Ordinance) closing access to Children's Pool Beach for five-and-a-half months a year during pupping season. Subsequently Commission issued a permit allowing that action.

Plaintiff Friends of the Children's Pool (plaintiff) filed an action for a writ of mandate to overturn the Ordinance claiming it violated the California Constitution and Coastal Act (Pub. Resources Code, § 30000 et seq.; Coastal Act; all further statutory

references are to this code unless otherwise stated) and the Marine Mammal Protection Act (16 U.S.C. § 1361 et seq.; MMPA). The trial court set aside the Ordinance, finding it was preempted by the provisions of the MMPA and violated the Coastal Act.

Defendants appeal, arguing the Ordinance is not expressly preempted by the MMPA nor is it preempted by field preemption or conflict preemption. It is a land use regulation authorized by the state police power. They further contend the Ordinance was allowed by and does not violate the Coastal Act. We agree with defendants and reverse the judgment, concluding there is substantial evidence to support defendants' actions.

We grant Commission's unopposed request for judicial notice of a report from the United States House of Representatives, which is part of the legislative history of the MMPA and relevant to the issues on appeal.

FACTS AND PROCEDURAL HISTORY

Children's Pool is located in a cove in La Jolla bordering on the .07 acre Children's Pool Beach.[1] There are several other nearby beaches, accessible to the public, surrounding Children's Pool Beach. In 1931 a curved breakwater was constructed around the cove to protect it from waves. Since that time Children's Pool Beach has been used for swimming, diving, sunbathing, and fishing.

In 1931 the State of California granted the Children's Pool Beach to City in trust to be "devoted exclusively to public park, bathing pool for children, parkway, highway, playground and recreational purposes, and to such other uses as may be incident to, or convenient for the full enjoyment of such purposes." (Stats. 1931, ch. 937, §1; Trust.)

Although there were probably harbor seals at Children's Pool Beach even before the breakwater was constructed, beginning in the early 1990's seals regularly

[1] Reference to Children's Pool Beach will include Children's Pool where applicable.

began to "haul out" onto the Children's Pool Beach, establishing a rookery. A rookery is where seals breed. Hauling out describes seals leaving the water for a variety of essential activities, including sleep, rest, giving birth, and nursing and weaning pups. Haul out sites are essential for seals to engage in these activities. Seals need the most protection from harassment during the final months of pregnancy until weaning. Pups are generally born in early to mid-January and weaning, which lasts four to seven weeks, is completed by the end of May. When pups are present mother seals are more aggressive. During pupping season there are more seals on Children's Pool Beach and they remain there for longer periods of time than other times during the year

When interaction with humans disturbs seals they "flush" into the water, thereby losing the benefits of hauling out. Flushing is particularly harmful during pupping season. If mothers and pups do not bond for a sufficient period they may not recognize each other if separated, causing the mother to abandon the pup leading to its likely death. In addition flushing can cause a female to abort a fetus or give birth prematurely. When pups are on the beach, stampeding adult seals can kill them.

The haul out area and rookery at Children's Pool Beach is unique because it is located in an urban area and accessible by the public. This has resulted in unwanted contact between humans and seals with seals subject to disturbance and humans "at risk from defensive seal bites and nips when people attempt to interact too closely with the seals." There have been almost 150 "flush events" caused by human presence at Children's Pool Beach.

This situation created a dispute between people who wanted the seals removed to give the public unfettered access to Children's Pool Beach and those who wanted to protect Children's Pool Beach for the seals.

In 2005 a private citizen obtained a judgment ordering City to use "all reasonable means to restore the Pool to its 1941 condition by removing the sand build-up" and clean the Children's Pool Beach so the water was safe for humans. Effective

2010 the Legislature amended the Trust (Trust Amendment) to add an additional use of the Children's Pool Beach for a "marine mammal park for the enjoyment and educational benefit of children." The judgment was then vacated.

The National Marine Fisheries Service (NMFS)[2] approved of the Trust Amendment because it gave City "greater latitude in implementing management actions regarding the harbor seal colony" at Children's Pool Beach. NMFS considers Children's Pool Beach to be a seal rookery and year-round haul-out site.

In an attempt to manage the ongoing dispute, in 2006 City installed a rope barrier just up from the mean high tide line during pupping season, December to May. One end was open to allow access to Children's Pool Beach. Signs were also erected directing the public to remain at a safe distance away from the hauled out seals.

In 2007 the NOAA's Office of Law Enforcement (OLE) sent a letter to City stating it "continue[d] to receive" reports of seal harassment and was concerned harassment would be ongoing. Although it noted the rope barrier gave some level of better protection for the seals and informed people to respect them, it had not deterred the "determined' individual(s) from approaching the seals." Therefore it "strongly recommend[ed]" City close the Children's Pool Beach from "December 15 through May 30." "[C]losing the beach would make a safer environment for the nursing seals." OLE stated it "look[ed] forward to a continued opportunity to work with [City] in assisting [it] achieving [its] goals as well as protecting the animals and citizens of our community."

Between February 2009 and January 2010 police responded 184 times to incidents at Children's Pool Beach, including 37 disturbing the peace calls and four reports of battery. In order to address public safety issues, in 2010 City adopted a Seasonal Shared Use Policy (Policy) containing five elements: 1) establishing a year-

[2] The NMFS, under the auspices of the Department of Commerce and its subagency, the National Oceanic and Atmospheric Administration (NOAA), is the agency responsible for implementing and enforcing the MMPA.

round rope barrier; 2) erecting clear signs to explain the rules; 3) prohibiting dogs; 4) hiring a full-time lifeguard or ranger; and 5) prohibiting public access to the Children's Pool Beach during pupping season, December 15 through May 15 (Closure).

The NMFS supported a year-round rope barrier but acknowledged it did "not guarantee that a person will not violate the MMPA." It also supported the prohibition on public access during pupping season, noting this was the most crucial time to protect seals. The NMFS stated that even traffic noise, slamming car doors, and people laughing and shouting disturbed the seals. The presence of people at Children's Pool Beach close to the hauled out seals or at the edge of the water usually caused "large numbers of seals [to] flush[]." The NMFS also had reports of premature seal births and abortions at Children's Pool Beach.

The NMFS opined that although it had enforcement authority under the MMPA and despite the MMPA's preemption provision, "States and local governments are free to implement and enforce ordinances, such as the closure of a beach, which may have a side benefit of preventing the harassment of a marine mammal."

Over the next few years City implemented only the first four elements of the Policy and did not close access during pupping season. However, this did not resolve the human conflicts or the harassment of seals. A "Seal Cam" showed several incidents of harassment, some of which were intentional. Video footage revealed people crossing the rope barrier and harassing the seals. There were more than 250 flushing incidents in a 12-month period in 2013-2014, many during pupping season.

There was continuing conflict between people seeking access to the Children's Pool Beach and people defending the seals, including numerous demonstrations. Often people encouraged others to ignore the rope barriers. Lifeguards and park rangers were routinely required to intervene, thereby diverting them from duties to protect and save swimmers.

City then determined it was necessary to implement the Closure included in the Policy adopted in 2010. This would protect seals during pupping season, and reduce enforcement activity by park rangers and lifeguards as well as police calls. With the Closure the breakwater would still be open to the public year-round without restrictions, allowing for fishing, walking, viewing seals, and scientific observation. There are numerous nearby beaches, some within walking distance, available for swimming and sunbathing during the Closure.

The NMFS commented on the proposed Closure, observing its prior efforts in giving guidance on MMPA compliance had "not helped to diminish the human conflict that persists between various groups at Children's Pool Beach." It noted the "ideal solution" was shared use. The NMFS did not believe a complete closure of Children's Pool Beach was necessary and encouraged more education and outreach. It also pointed out the preemption provision in the MMPA. But the NMFS did not prohibit Closure.

After numerous public hearings and an extensive public comment period generating hundreds of letters on both sides of the issue, in 2014 City adopted the Ordinance. It amended City's Municipal Code section 63.0102 to effect the Closure, banning public access to Children's Pool Beach during pupping season from December 15 to May 15. Concurrently City amended the Local Coastal Program (LCP; LCP Amendment) to prohibit public access to the Children's Pool Beach during pupping season, December 15 through May 15. Implementation of the Ordinance and the LCP Amendment were expressly conditioned on certification by Commission.

City then submitted to Commission for approval the LCP Amendment and an application for a coastal development permit (Permit) to close Children's Pool Beach from December 15 to May 15 each year. After Commission held public hearings it unanimously approved the LCP Amendment and the Permit. The Permit was issued for a five-year period subject to application for another permit and required a monitoring plan

to evaluate the efficacy of the Closure and signage. Implementation of the Ordinance closing Children's Pool Beach began December 15, 2015.

Plaintiff filed a petition for a writ of administrative mandamus, alleging the Ordinance violated the California Constitution and the Coastal Act and was preempted by the MMPA. It sought to have the Ordinance set aside and to enjoin defendants from enforcing it.

Using an independent judgment standard, the court granted plaintiff's petition and issued a writ of mandate ordering City and state to set aside the Ordinance and enjoining its enforcement. In the statement of decision the court found the actions of City and state were preempted by the MMPA and violated the Coastal Act. It also found City had not obtained permission of the Secretary of Commerce (Secretary) for authority to enact the Ordinance nor had Commission obtained permission to issue the Permit allowing City to enact the Ordinance.

Further, the court found City and Commission were required to follow the Administrative Procedures Act (15 U.S.C. § 551 et seq.; APA). It held the authority of City and Commission "over the beach, the people allowed access to the beach and the harbor seals exists only if the Secretary grants authority to [them] to manage the property and, in this instance, protect the harbor seals." The court found such authority had not been given to City or Commission.

DISCUSSION

1. Standard of Review

Under Code of Civil Procedure section 1094.5, subdivision (b), trial court review of an administrative decision must consider whether the agency acted within its jurisdiction, whether the hearing was fair, and whether there was prejudicial abuse of discretion. Abuse of discretion is shown if the agency did not proceed in the legally

required manner, the findings do not support the decision, or the evidence does not support the findings.[3] (*Ibid*.)

On appeal, we use the same standard of review, determining whether the agency proceeded according to law, whether the findings are supported by substantial evidence, and whether the findings support the decision. (*Hoitt v. Dept. of Rehabilitation* (2012) 207 Cal.App.4th 513, 521.) We do not review the decision of the trial court. (*Jefferson Street Ventures, LLC v. City of Indio* (2015) 236 Cal.App.4th 1175, 1197.) Although we engage in "'"some weighing to fairly estimate the worth of the evidence,"'" we do not conduct an independent review or substitute our findings or inferences in place of those of the agency. (*Sustainability, Parks, Recycling & Wildlife Legal Defense Fund v. San Francisco Bay Conservation & Development Com.* (2014) 226 Cal.App.4th 905, 916.) We may reverse only if a reasonable person could not have come to the same conclusion as did the agency. (*Ibid*.)

We presume the findings and actions of the agency are supported by substantial evidence. (*Bay Area Citizens v. Association of Bay Area Governments* (2016) 248 Cal.App.4th 966, 998.) Plaintiff has the burden to show lack of substantial evidence. (*Ibid*.) Substantial evidence includes expert opinions, staff reports, testimony at public hearings, photographs, and the like. (*Whaler's Village Club v. California Coastal Com*. (1985) 173 Cal.App.3d 240, 261; *City of Chula Vista v. Superior Court* (1982) 133 Cal.App.3d 472, 491.)

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[3] The trial court incorrectly used an independent judgment standard in reviewing City's enactment of the Ordinance and Commission's issuance of the Permit. This standard applies only when fundamental vested rights are affected, not the case here. (*HPT IHG-2 Properties Trust v. City of Anaheim* (2015) 243 Cal.App.4th 188, 198.) Despite the trial court's use of an incorrect standard, we may review the administrative findings using the correct substantial evidence test without remanding the case back to the trial court. (*Ogundare v. Department of Industrial Relations* (2013) 214 Cal.App.4th 822, 829.)

We interpret statutes de novo. (*Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2010) 184 Cal.App.4th 1032, 1040-1041.) In connection with our interpretation we give deference to an agency's construction of its governing statutes and regulations. (*Harrington v. City of Davis* (2017) 16 Cal.App.5th 420, 434-435.)

On undisputed facts we review the question of preemption de novo as well. (*Cellphone Termination Fee Cases* (2011) 193 Cal.App.4th 298, 311.) Any factual determinations underlying a preemption question are reviewed under the substantial evidence standard. (*Ibid*.) There were no factual determinations made in connection with the preemption question.

2. The MMPA

The MMPA embodies a comprehensive federal plan to protect marine mammals and maintain them at the "optimum sustainable population." (16 U.S.C. § 1361(2), (6).) The MMPA directs that "efforts should be made to protect essential habitats, including the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from the adverse effect of man's actions." (16 U.S.C. § 1361(2).) "[T]he primary objective of their management should be to maintain the health and stability of the marine ecosystem." (16 U.S.C. § 1361(6).)

The MMPA bans the "taking" of marine mammals, including harbor seals. (16 U.S.C. §§ 1362(6); 1372(a); *People of Togiak v. United States* (D.D.C. 1979) 470 F.Supp. 423, 428 & fn. 11.) "Take" is defined as "harass, hunt, capture, or kill, or attempt to harass, hunt, capture or kill any marine mammal." (16 U.S.C. § 1362(13).) Harassment is as "any act of pursuit, torment, or annoyance which- [¶] (i) has the potential to injure a marine mammal . . . ; or [¶] (ii) has the potential to disturb a marine mammal . . . by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering." (16 U.S.C. § 1362(18)(A).)

Under the MMPA, "No State may enforce, or attempt to enforce, any State law or regulation relating to the taking of any species . . . of marine mammal within the State unless the Secretary has transferred authority for the conservation and management of that species . . . to the State . . . ." (16 U.S.C. § 1379(a).)

3. No MMPA Preemption

The court held the MMPA preempted the Closure because it "related to" the taking of seals under Title 16 United States Code section 1379(a). We disagree.

a. Federal Preemption Principles

The Supremacy Clause of the United States Constitution states federal law is the "supreme Law of the Land" (U.S. Const., art. VI, cl. 2) and gives Congress the authority to preempt state law (*Arizona v. United States* (2012) 567 U.S 387, 399). But there is "a strong presumption against preemption." (*Farm Raised Salmon Cases* (2008) 42 Cal.4th 1077, 1088.) "'In all pre-emption cases, and particularly in those in which Congress has "legislated . . . in a field which the States have traditionally occupied," [citation] we "start with the assumption that the historic police powers of the States were not to be superseded by the Federal Act unless that was the clear and manifest purpose of Congress." [Citations.]' [Citations.] We apply this presumption to the *existence* as well as the *scope* of preemption. [Citation.]" (*Ibid*.)

"State action may be foreclosed by express language in a congressional enactment, [citation], by implication from the depth and breadth of a congressional scheme that occupies the legislative field, [citation], or by implication because of a conflict with a congressional enactment, [citation]." (*Lorillard Tobacco Co. v. Reilly* (2001) 533 U.S. 525, 541.)

"'"[C]ourts are reluctant to infer preemption, and it is the burden of the party claiming that Congress intended to preempt state law to prove it."'" (*Viva! Internat. Voice For Animals v. Adidas Promotional Retail Operations, Inc.* (2007) 41 Cal.4th 929, 936.) "'[W]hen the text of a pre-emption clause is susceptible of more than

one plausible reading, courts ordinarily "accept the reading that disfavors pre-emption."'" (*CTS Corp v. Waldburger* (2014) __ U.S. __, __ [134 S.Ct. 2175, 2188].)

b. Public Trust Principles

When California was admitted to the Union, it acquired its tidelands held "in trust for public purposes"[4] as part of its sovereignty. (*City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 482; § 6009, subd. (a).) "The power of the state to control, regulate and utilize its navigable waterways and the lands lying beneath them, when acting within the terms of the trust, is absolute . . . ." (*Marks v. Whitney, supra,* 6 Cal.3d at p. 260.) The Legislature has the power to grant tidelands to local governments, subject to the public trust. (§§ 6009, subds. (a) & (d), 6305; *Zack's, Inc. v. City of Sausalito* (2008) 165 Cal.App.4th 1163, 1187, fn. 14.)

c. No Express Preemption

Relying on the language of Title 16 United States Code section 1379(a), plaintiff claims the MMPA expressly preempts the Closure.[5] That section states: "No State may enforce, or attempt to enforce, any State law or regulation relating to the taking of any species . . . of marine mammal within the State unless the Secretary has transferred authority for the conservation and management of that species . . . to the State . . . ." (16 U.S.C. § 1379(a).) Plaintiff argues the MMPA gives the federal government "exclusive jurisdiction over the conservation and management of marine mammals." (*Florida Marine Contractors v. Williams* (M.D.Fla. 2005) 378 F.Supp.2d 1353, 1357.)

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[4] Public purposes include bathing, swimming, and preservation of wildlife and its habitats. (*Marks v. Whitney* (1971) 6 Cal.3d 251, 259, 260.)

[5] Plaintiff argues the trial court's finding the Closure "relates to" harassment of seals is supported by substantial evidence. As discussed above this is not the correct standard of review. We do not review the trial court's decision (*Jefferson Street Ventures, LLC v. City of Indio, supra,* 236 Cal.App.4th at p. 1197) but rather the decisions of City and Commission (*Hoitt v. Dept. of Rehabilitation, supra,* 207 Cal.App.4th at p. 521).

Pointing to the definition of "take" (16 U.S.C. § 1362(13)), which applies to an intentional or negligent act of harassment, plaintiff contends the harassment of seals on Children's Pool Beach leading to flushing is a taking under the MMPA. From this it concludes the language of Title 16 United States Code section 1379(a) plainly shows Congress's intent to preempt any laws relating to the harassment of seals. Plaintiff argues that because the Ordinance "has a connection with or reference to the harassment of harbor seals," it is preempted. We are not persuaded.

1) "Relating To"

We understand the United States Supreme Court has recognized "'relate to' in a preemption clause 'express[es] a broad pre-emptive purpose.'" (*Coventry Health Care of Missouri, Inc. v. Nevils* (2017) __ U.S. __, __ [137 S.Ct. 1190, 1197].) "Congress characteristically employs the phrase to reach any subject that has 'a connection with, or reference to,' the topics the statute enumerates. (*Id*. at p. __ [137 S.Ct. at p. 1197].)

"At the same time, [the Court has held], the breadth of the words 'related to' does not mean the sky is the limit. [It has] refused to read the preemption clause of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1144(a) [(ERISA)], which supersedes state laws 'relate[d] to any employee benefit plan,' with an 'uncritical literalism,' else 'for all practical purposes pre-emption would never run its course.'" (*Dan's City Used Cars, Inc. v. Pelkey* (2013) 569 U.S. 251, 260; accord *Gobeille v. Liberty Mut. Ins. Co.* (2016) __ U.S. __, __ [136 S.Ct. 936, 943] (*Gobeille*).)[6]

"[A]pplying the "relate to" provision according to its terms was a project doomed to failure, since, as many a curbstone philosopher has observed, everything is related to everything else." (*Labor Standards Enforcement v. Dillingham Const., N.A., Inc.* (1997) 519 U.S. 316, 335 (*Dillingham*) (conc. opn. of Scalia, J.) [discussing ERISA

[6] There is a dearth of authority interpreting "relating to" in the MMPA. Hence we turn to analogous case law.

preemption].) This is a result "no sensible person could have intended." (*Gobeille*, *supra*, __ U.S. at p. __ [136 S.Ct. at p. 943], quoting *Dillingham, supra*, 519 U.S. at p. 336 (conc. opn. of Scalia, J.).)

According to Justice Scalia, "it would greatly assist our function of clarifying the law if we simply acknowledged that our first take on this [ERISA] statute was wrong; that the 'relate to' clause of the pre-emption provision is meant, not to set forth a test for pre-emption, but rather to identify the field in which ordinary field pre-emption applies." (*Dillingham, supra*, 519 U.S. at p. 336 (conc. opn. of Scalia, J., italics omitted.)

In *Gobeille*, *supra*, __ U.S. __ [136 S.Ct. 936], the court considered the breadth of "relate to," noting there were only two categories of state laws preempted by ERISA: 1) "'[w]here a State's law acts immediately and exclusively upon ERISA plans . . . or where the existence of ERISA plans is essential to the law's operation'"; and 2) whether the "state law . . . has an impermissible 'connection with' ERISA plans, meaning a state law that 'governs . . . a central matter of plan administration' or 'interferes with nationally uniform plan administration.'" (*Id*. at p. __ [136 S.Ct. at p. 943].) This ensured the preemption provision of the statute was honored "while avoiding the clause's susceptibility to limitless application." (*Id*. at p. __ [136 S.Ct. at p. 943].)

Thus, a state law that has only an "indirect, remote, or tenuous effect" on the federal statute is not expressly preempted. (*Californians for Safe & Competitive Dump Truck Transportation v. Mendonca* (9th Cir. 1998) 152 F.3d 1184, 1189 (*Mendonca*) [state prevailing wage law not preempted by federal statute barring state from enacting law related to "price, route, or service of any motor carrier"].)

In deciding whether express preemption applies we consider the MMPA's "text, context, and purpose." (*Coventry Health Care of Missouri, Inc. v. Nevils* (2017) __ U.S. __, __ [137 S.Ct. 1190, 1197].) Nothing in the MMPA, and specifically in Title 16 United States Code section 1379(a), manifests an express congressional intent to preempt

the state's ability to exercise its police powers to regulate access to its own property. (*Farm Raised Salmon Cases, supra,* 42 Cal.4th at p. 1088.) The Ordinance does not govern a central matter of the statute or interfere with nationally uniform management of seals. (*Gobeille*, *supra*, __ U.S. at p. __ [136 S.Ct. at p. 943].) It is not directed to conservation or taking of seals. Rather, it is a land use regulation, which falls within a traditional state police power.

In issuing the Permit, Commission was exercising the state's police power reserved to it by the Tenth Amendment to the United States Constitution. (*Nollan v. Coastal Com.* (1987) 483 U.S. 825, 836 [Commission's regulation of coastal development exercise of police power]; *Equal Employment Opportunity Commission v. Wyoming* (1983) 460 U.S. 226, 239 [management of state park "traditional state function"].) When City adopted the Ordinance it was also exercising its police power. (*Big Creek Lumber Co. v. County of Santa Cruz* (2006) 38 Cal.4th 1139, 1151 [land use regulation exercise of police power].)

State v. Arnariak (Alaska 1997) 941 P.2d 154 (*Arnariak*), while not binding on us, is instructive. In that case after the Arnariaks were charged with entering a state game sanctuary without a permit, they challenged the regulation on which the charges were based, arguing it was preempted by the MMPA and specifically Title 16 United States Code section 1379(a). The Alaska Supreme Court found no preemption, stating that to do so would require the conclusion that Congress "intended to preclude the State from barring entry onto state property." (*Arnariak* at p. 156.) Instead, reiterating the principle that regulating state lands is an exercise of state police power (*id*. at p. 158), it concluded the "State has the right to exclude entry onto its property and the right to prohibit certain activities from being conducted thereon" (*id.* at p. 156).

Arnariak acknowledged "'relating to'" language in other federal statutes had sometimes been construed "to suggest a broad scale preemption." (*Arnariak, supra,* 941 P.2d at p. 158.) But the *Arnariak* court concluded "at most[it] is merely one guide

to the meaning or intended scope of an enactment; it does not necessarily control where there is evidence that another meaning was intended, or where other rules of construction are also applicable. Here the legislative history, the purpose of MMPA, and the rule that statutes should be construed to avoid an unconstitutional result persuasively indicate that MMPA's preemption is not so broad as to prevent the State from limiting access to . . . state wildlife refuges." (*Arnariak,* at p. 158.)

In so holding, the *Arnariak* court relied on the MMPA's legislative history, pointing to the report of the House Committee on Merchant Marine and Fisheries (House Report), which stated, "'It is not the intention of this Committee to foreclose effective state programs and protective measures such as sanctuaries." (*Arnariak, supra,* 941 P.2d at p. 157, citing H.R. Rep. No. 92-707, at p. 28 (1971) reprinted in 1972 U.S. Code Cong. & Admin. News, at pp. 4144, 4161, italics omitted.) The court also noted another portion of the report which stated, "'There is no intention or desire within the Committee to remove any incentive from the states . . . to protect animals residing within their jurisdictions.'" (*Arnariak*, at p. 161, citing H.R. Rep. No. 92-707, at p. 18 (1971) reprinted in 1972 U.S. Code Cong. & Admin. News, at pp. 4144, 4151.)

In our case, plaintiff challenges reliance on the House Report, asserting it refers to a provision in the House bill that was not in the final version of the statute. Plaintiff argues we should look instead to the conference report (Conference Report) discussing the final version, which stated, "The House bill preempted State law, but allowed cooperative agreements with the States in harmony with the purposes of the Act. The Senate amendment allowed the Secretary to review State laws and to accept those that are consistent with the policy and purpose of the Act. The conference substitute clarifies the Senate version to assure that the Secretary's determination will control as to whether or not the State laws are in compliance. Once granted authority to implement its laws relating to marine mammals, the State concerned may issue permits, handle enforcement, and engage in research." (Conf. Rep. No 92-1488 (1971) reprinted in 1972

U.S. Code Cong. & Admin. News, at pp. 4187, 4188; <https://www.govinfo.gov/content/pkg/GPO-CRECB-1972-pt25/pdf/GPO-CRECB-1972-pt25-5-2.pdf.> [as of May 30, 2018].)

Although it is true the adopted version of Title 16 United States Code section 1379 differed from the one discussed in the House Report, the House Report remains relevant to show the intent of the MMPA is to protect marine mammals. Additionally, the Conference Report shows the MMPA was not intended to preempt land use regulations. In delineating what authority could be transferred to states, the MMPA did not include regulating access to state lands but dealt only with issuing permits, enforcing the MMPA, and scientific research. (Conf. Rep. No 92-1488 (1971) reprinted in 1972 U.S. Code Cong. & Admin. News, at pp. 4187, 4188; <https://www.govinfo.gov/content/pkg/GPO-CRECB-1972-pt25/pdf/GPO-CRECB-1972-pt25-5-2.pdf.> [as of May 30, 2018]; *Mt. Hawley Ins. Co. v. Lopez* (2013) 215 Cal.App.4th 1385, 1401 [review of committee reports to show legislative intent].)

The Ordinance does not purport to control any of those activities. As City and Commission explain, they are not attempting to manage the seals but to manage the public safety and the access of people to the state-owned property.

Plaintiff cites *UFO Chuting v. Young* (D. Hawaii 2004) 327 F.Supp.2d 1220 (*UFO Chuting 1*) to support its argument "relating to" should be broadly interpreted. There Hawaii adopted a law banning parasailing for seven months a year in a national marine sanctuary. The plaintiff challenged the statute arguing it was preempted by the MMPA. Relying on Title 16 United States Code section 1379(a), the court found express preemption based on its interpretation of "relating to." (*UFO Chuting 1,* at pp. 1223, 1224.)

The court focused on the "primary intent" of the state statute, to prevent harassment of whales. (*UFO Chuting 1, supra*, 327 F.Supp.2d at p. 1223.) "That the

State considered other justifications as well when it adopted the restriction does not mean that the restriction does not relate to the safety of whales." (*Ibid*.)

2) Primary Intent

Plaintiff argues that because the purpose of the Closure was to protect seals during pupping season, it is expressly preempted. Plaintiff directs us to City's LCP Amendment, which states "seasonal access restrictions" were "to protect breeding pinnipeds." Plaintiff also cites to City's focus on preventing flushes, based on its conclusion prior regulations had not prevented improper interactions between people and seals.

Plaintiff additionally points to the condition in the Permit requiring City to devise a monitoring plan to address whether the Closure was effective at minimizing harassment of seals. Plaintiff further cites to Commission findings that the purpose of the Closure was to protect the rookery during pupping season.

Plaintiff maintains evidence shows the Ordinance was enacted primarily to protect seals from harassment. It complains defendants are arguing for the first time on appeal the Closure does not relate to harassment but claim it might diminish conflict between those who support seals and those who opposed, and that it will reduce seals biting people. Plaintiff asserts these were "alternative justifications," which it claims were barely mentioned by City or Commission in enacting the Ordinance and Permit. Relying on *UFO Chuting 1,* it argues that in any event they did not negate preemption. This argument does not persuade.

Initially, the record reflects both defendants discussed the meaning of "relating to" in the trial court. Moreover, this is a legal argument we may consider for the first time on appeal. (*Julian v. Mission Community Hospital* (2017) 11 Cal.App.5th 360, 377.)

Further, *UFO Chuting 1,* a federal district court decision, does not bind us,[7] and in any event it is distinguishable. The regulation in that case was in conflict with the MMPA, thereby "expressly preempted." (*UFO Chuting 1, supra*, 327 F.Supp.2d at p. 1224.) The MMPA allows boats to come within 100 yards of humpback whales while the Hawaii statute banned parasailing at any distance. There is no such conflict here. In one of its letters to City the NMFS stated the MMPA "does not mandate set distances" to keep people away from marine mammals. Moreover, nothing in the MMPA allows people to harass harbor seals. In addition, the Hawaii statute restricted activity within waters managed by the federal government as opposed to on state property that is at issue here. (*Id*. at p. 1221; see 15 C.F.R. § 911.180.) Thus, the case has little if any persuasive authority.[8]

Additionally, other than *Arnariak*, which held there was no preemption, and *UFO Chuting 1*, which is distinguishable, the parties have not cited us to any other cases that hold Title 16 United States Code section 1379(a) preempts a state land use regulation.

Plaintiff cites some older ERISA cases for the general proposition that even consistent state laws can be preempted. (E.g., *Morales v. Trans World Airlines, Inc.* (1992) 504 U.S. 374, 386-387; *Mackey v. Lanier Collection Agency & Service, Inc.* (1988) 486 U.S. 825, 829.) But these principles are contrary to the newer cases cited

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[7] "'[T]he decisions of the lower federal courts on federal questions are merely persuasive. . . . Where lower federal court precedents are divided or lacking, state courts must necessarily make an independent determination of federal law.'" (*Fair v. BNSF Railway Co.* (2015) 238 Cal.App.4th 269, 287.)

[8] After *UFO Chuting 1* was decided the MMPA was amended to give Hawaii an exemption from its preemption provision. This was upheld in *UFO Chuting of Hawaii, Inc. v. Young* (D.Hawaii 2005) 380 F.Supp.2d 1166, 1167-1168, which affirmed vacating the summary judgement in *UFO Chuting 1*.

above limiting the breadth of "relating to." In addition, in general ERISA cases are distinguishable because they do not implicate the state's sovereign police power.

3) No NMFS Opposition

Further, in this case, the NMFS, which enforces the MMPA, never objected to the Ordinance or Permit although it had many opportunities to do so, consulting with City throughout the several years leading up to the enactment of the Ordinance. In 2007 the NMFS "strongly recommend[ed]" City close Children's Pool Beach from December 15 through May 30. And the NMFS supported the Trust Amendment authorizing a marine mammal part at Children's Pool Beach because it gave City "greater latitude in implementing management actions regarding the harbor seal colony."

Also, in 2010, in responding to City's request for comments on the proposed five-part Policy, as to the proposed Closure the NMFS focused on the dangers of flushing during pupping season. Its one comment was a suggestion City consider exempting "certain categories of people," such as SeaWorld employees, from the Closure.

In the same document, NMFS supported hiring a park ranger or lifeguard for "enforcement and education" of the public as to the dangers of disturbing the seals. It further stated, "States and local governments are free to implement and enforce ordinances, such as the closure of a beach, which may have a side benefit of preventing the harassment of a marine mammal."

In 2014, commenting on the proposed Ordinance, the NMFS stated it did not believe "complete closure of Children's Pool Beach is necessary to protect the harbor seals from violations of the MMPA." But it acknowledged its "efforts to provide guidance on complying with the MMPA ha[d] not helped to diminish the human conflict that persists." It advised City should "take steps to reduce the possibility of harassing marine mammals wherever they are encountered in the wild." The NMFS recommended

City review Title 16 United States Code section 1379(a), but it never stated the Ordinance would be preempted.

In a second letter in 2014, the NMFS reiterated that its "most preferable outcome" was "shared use." In that letter it also again recommended City review Title 16 United States Code section 1379(a), explaining the section generally banned laws relating to the taking of marine mammals unless management and conservation authority has been transferred to a state. The letter noted such authority had not been transferred to City. But again, when the opportunity was present, the NMFS did not state the Ordinance was preempted or ban the Closure.

Although the NMFS interpretation of the MMPA is not binding on us it is "'entitled to [our] consideration and respect'" (*De La Torre v. California Horse Racing Board* (2017) 7 Cal.App.5th 1058, 1065) and we "give[] weight to [its] construction" (*Western States Petroleum Assn. v. Bd. of Equalization* (2013) 57 Cal.4th 401, 415; see *Wyeth v. Levine* (2009) 555 U.S. 555, 576 [agencies have "unique understanding of the statutes they administer and an attendant ability to make informed determinations about how state requirements may pose an 'obstacle to the accomplishment and execution of the full purposes and objectives of Congress'"].) When directly asked for comments about the Closure the NMFS did not attempt to prevent City from enacting it. Further, the NMFS's instruction that steps be taken to reduce harassment of seals negates plaintiff's argument that any acts by defendants, even if consistent with the MMPA, are preempted. We consider this very persuasive in our analysis.

Moreover, even though the NMFS has known about the problems at Children's Pool Beach for years, not once has it directly acted to solve them but instead relied on City, indeed directed City, to address the issue.

Further, regardless of the fact one basis for the Ordinance and Permit was to reduce harassment of seals, defendants were also concerned with public safety, seeking to eliminate the many years of conflicts between the pro- and anti-seal constituencies,

resulting in near constant police involvement. It would be hair splitting at its finest to hold the exact same Ordinance and Permit would comply with the MMPA had the City and Commission merely failed to mention protecting the seals, but because one goal was reduction of interaction between seals and people during pupping season, then the Ordinance and Permit are preempted. We will not reach such an absurd conclusion.

Plaintiff has acknowledged defendants are not prohibited from closing Children's Pool Beach for reasons unrelated to harassment of seals. And nothing in the MMPA expressly preempts municipalities or states from protecting their citizens even if indirectly related to protecting seals. In using the term "relating to" Congress did not intend to preempt land use regulations just because marine mammals are present. The Closure does not relate to issuing of permits to allow taking of harbor seals. The mere connection or reference to seals does not overcome the presumption against preemption.

In addition, as noted by City, cities have enacted and Commission has approved a number of access restrictions to rookeries throughout the state. Before this action, 83 out of 85 rookeries mapped by NOAA in California had access restrictions. There is no evidence in the record NMFS objected to any of these or claimed they were preempted by the MMPA. In fact, there is no evidence of federal involvement in the regulation of access to state property where marine mammals are present.

4) Transfer of Management

Plaintiff also argues that to enact the Ordinance and adopt the Permit, defendants needed to have management authority of Children's Pool Beach transferred from the federal government.[9] We disagree.

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[9] Management authority for harbor seals has not been transferred to California by the Secretary. Plaintiff claims defendants argued in the trial court that management authority had been transferred but fails to cite to any such argument in the record. Defendants dispute this claim. City asserts its position is and always has been that no transfer of authority was needed to enact the Ordinance. Commission argued at trial that NMFS had "approved and supported" the Closure.

The transfer of management is premised on a state "develop[ing] and . . . implement[ing] a program for the conservation and management of the species" (16 U.S.C. § 1379(b)(1)) and requires, for example, that taking be humane and only when the "species is at the optimum sustainable population" (16 U.S.C. § 1379(b)(1)(B) & (C)(i)(I)). That is not the purpose or thrust of the Ordinance or the Permit. And there is nothing in the MMPA that suggests a local government must implement a conservation and management program just so it can regulate access to its property. We will not interpret Title 16 United States Code section 1379(a) to reach such an unreasonable result. (*Downen's Inc. v. City of Hawaiian Gardens Redevelopment Agency* (2001) 86 Cal.App.4th 856, 860; *United States v. Wilson* (1992) 503 U.S 329, 334.)

d. No Field or Conflict Preemption

Plaintiff contends the Ordinance and Permit are preempted by field and conflict preemption. Field preemption applies "'when the scope of a [federal] statute indicates that Congress intended federal law to occupy a field exclusively.'" (*Kurns v. Railroad Friction Products Corp.* (2012) 565 U.S. 625, 630; *Cellphone Termination Fee Csaes, supra,* 193 Cal.App.4th at pp. 309-310.) In addition state law is preempted "'to the extent of any conflict with a federal statute.'" (*Ibid*.)

Plaintiff claims the MMPA occupies the field of managing "the taking, importation, and conservation of marine mammals." It cites to the various powers of the Secretary such as issuing permits, investigating violations and enforcing the statute, and engaging in negotiations for international agreements. (16 U.S.C. §§ 1372, 1373, 1374, 1375, 1376, 1378.) Plaintiff argues those sections in addition to Title 16 United States Code section 1379(a) and (b)(1) show Congress's intent to bar any regulation within this field. We disagree.

"'[W]e start with the assumption that the historic police powers of the States were not to be superseded by the Federal Act unless that was the clear and manifest purpose of Congress.'" (*Arizona v. InterTribal Council of Arizona, Inc*. (2013)

570 U.S. 1, 13.) "'Congress does not exercise lightly' the 'extraordinary power' to 'legislate in areas traditionally regulated by the States.'" (*Ibid*.) As discussed above, land use regulation is a traditional state police power. (*Equal Employment Opportunity Commission v. Wyoming, supra,* 460 U.S. at p. 239; *Big Creek Lumber Co. v. County of Santa Cruz, supra,* 38 Cal.4th at p. 1151; *Arnariak, supra*, 941 P.2d at p. 158.)

Here, the Ordinance and Permit solely regulate access to Children's Pool Beach. They have nothing to do with any of the enumerated powers of the Secretary. There is nothing in the MMPA showing a clear intent for Congress to usurp the state's traditional power to regulate land use.

Plus, the relationship between the Ordinance, the Permit, and the taking of seals is attenuated and incidental. Granted the problems at Children's Pool Beach are due to the seals' presence and the Closure will indirectly reduce take. But the Ordinance and the Permit say nothing about human interaction with seals and do not set out penalties for improper taking.[10] Therefore, the Ordinance and the Permit do not fall within the field of laws that regulate the taking of marine mammals.

Nor do the Ordinance and Permit conflict with MMPA. To the extent they relate at all, they are completely consistent with and further the MMPA's purpose and intent to protect seals. We are not persuaded by plaintiff's argument the Closure conflicts because it frustrates the uniformity of the MMPA.

In sum, plaintiff has not met its burden to overcome the presumption against preemption. Plaintiff's rigid approach and literal interpretation of the MMPA and

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[10] Compare the Ordinance and Permit with cases where the court found preemption based on Title 16 United States Code section 1379(a) due to direct regulation of marine mammals. (*People of Togiak v. United States, supra*, 470 F.Supp. at p. 427 [state law banning walrus hunting preempted by MMPA provisions allowing Native Alaskans to do so]; *Fouke v. Mandel* (D.Md. 1974) 386 F.Supp. 1341, 1360 [state law prohibiting importing of seal fur preempted]; *UFO Chuting, supra*, 327 F.Supp.2d at pp. 122, 1229-1230.)

specifically Title 16 United States Code section 1379(a) are inconsistent with its "text, context, and purpose." (*Coventry Health Care of Missouri, Inc. v. Nevils, supra,* __ U.S. at p. __ [137 S.Ct. at p. 1197].) We will not read Title 16 United States Code section 1379(a) with an "'uncritical literalism.'" (*Dan's City Used Cars, Inc. v. Pelkey, supra,* 569 U.S. at p. 260.)

Not only that, plaintiff is attempting to use the MMPA to frustrate its stated purposes. Overturning the Permit and Ordinance would have the effect of subjecting the seals to take. Concluding the Permit and Ordinance are effective is consistent with the MMPA and will "preserve the proper and legitimate balance between federal and state authority." (*Mendonca, supra*, 152 F.3d at p. 1189.)

4. Substantial Evidence

The record contains substantial evidence to support the Closure, enactment of the Ordinance, and issuance of the Permit. City closed Children's Pool Beach only after years of dispute, conflict, and implementation of lesser measures in an attempt to resolve the issue. City's evidence included studies and information about the history of the seals and development and use of the haul out site. It also had information about numerous acts of harassment and disturbing of seals as well as conflicts between people supporting the seals and those supporting complete access to Children's Pool Beach. City consulted with the NMFS and Commission and conducted many public hearings to hear the concerns and opinions of the public, also reviewing letters in support and in opposition to the Closure.

It was not until the other components of the Policy failed that City was forced to implement the Closure. And the Closure is not complete but is limited to the pupping season only. Further, the breakwater wall is open year-round allowing for viewing of the Children's Pool Beach and seals, fishing, and walking. The City is to be commended for its measured response to the problems at Children's Pool Beach.

This evidence was available to and relied upon by Commission as well. It also noted the availability of nearby beaches without seals that remain open year round. It, too, imposed only a limited restriction on public access, leaving the breakwater area open year-round. It balanced the conflicting concerns of protecting marine mammals and the public safety.

Plaintiff has not met its burden to overcome the presumption City's and Commission's acts were supported by substantial evidence.

5. No MMPA Preemption of Amendment

As an alternative argument, plaintiff contends that if the Trust Amendment allowing the establishment of the marine mammal park authorized City to enact the Closure, the Trust Amendment is preempted by the MMPA because it relates to the taking of seals. Plaintiff claims there was an implied finding of preemption based on the finding in the statement of decision that there was no evidence City or Commission had obtained permission from the Secretary to add a marine mammal park to the Trust. Without the provision for a marine mammal park in the Trust, plaintiff argues, the Closure would violate the Trust and section 30211, which bars development that interferes with the public's right of access. Again, we are not persuaded.

First, as noted above we do not review the trial court's decision. Second, we have thoroughly explained why the Closure is not a taking under the MMPA. Likewise, the mere provision for a marine mammal park does not relate to the taking of marine mammals. In fact, the NMFS supported the Trust Amendment. Contrary to plaintiff's argument the Trust Amendment did not deal with taking or harassment of seals or bear on their management or conservation. Instead, it added a marine mammal park as a use authorized by the Trust. This is consistent with a public trust.

"The public uses to which tidelands are subject are sufficiently flexible to encompass changing public needs. In administering the trust the state is not burdened with an outmoded classification favoring one mode of utilization over another.

[Citation.] There is a growing public recognition that one of the most important public uses of the tidelands—a use encompassed within the tidelands trust—is the preservation of those lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life." (*Marks v. Whitney, supra*, 6 Cal.3d at pp. 259-260.)

Further, any challenge to the Amendment is barred by the three-year statute of limitations that ran years ago. (Code Civ. Proc., §§ 308, subd. (a), 338; *Urban Habitat Program v. City of Pleasanton* (2008) 164 Cal.App.4th 1561, 1577 ["when an ordinance conflicts with statutory or constitutional provisions already in effect when the ordinance is passed, then the claim begins to accrue when the ordinance is passed"].)

6. No Coastal Act Preemption

The Coastal Act is a "'comprehensive scheme to govern land use planning for the entire coastal zone of California.'" (*Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles* (2012) 55 Cal.4th 783, 793.) It was enacted to "protect the ecological balance of the coastal zone and prevent its deterioration and destruction." (§ 30001, subd. (c).)

A local government with land in the coastal zone must prepare an LCP implementing the Coastal Act's policies. (§ 30500, subd. (a).) The Commission must certify the LCP, plus any amendments. (§§ 30512, 30513, 30514.) After an LCP is certified, the local government has authority to issue permits. (§ 30519, subd. (a).) However, Commission retains authority to issue permits for "tidelands, submerged lands, or on public trust lands." (*Id*., subd. (b).)

Before a local government can engage in coastal development on tidelands or public trust lands, it must obtain a permit from Commission. (§ 30601, subd. (2).) Development includes "the placement or erection of any solid material or structure; . . . change in the density or intensity of use of land . . .; [and] change in the intensity of use of water, or of access thereto." (§ 30106.)

Plaintiff contends the Coastal Act preempts the Closure because it interferes with the public's right of access that was acquired both by use and by legislative authorization. Plaintiff relies on the Trust, as amended, in support of its claim of legislative authorization. It provides: "(a) That said lands shall be devoted exclusively to public park, marine mammal park for the enjoyment and education benefit of children, bathing pool for children, parkway, highway, playground and recreational purposes, and to such other uses as may be incident to, or convenient for[,] the full enjoyment of those purposes. [¶] (b) The absolute right to fish in the waters of the Pacific Ocean over said tidelands or submerged lands, with the right of convenient access to said waters over said lands for said purpose is hereby reserved to the people of the State of California." (Stats. 1931, ch. 937, § 1, as amended by Stats. 2009, ch. 19.)

Section 30211 states, "Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation." Citing *Grupe v. California Coastal Com.* (1985) 166 Cal.App.3d 148, plaintiff claims section 30211's use of "shall" makes public access to the Children's Pool Beach mandatory, and argues the Closure violates the statute. Plaintiff further asserts section 30211 "is not a policy recommendation that must be balanced or considered," or a "vague 'policy' objective'" to be ignored in favor of other policies. We disagree.

Section 30211 is part of chapter 3 of the Coastal Act. Contrary to plaintiff's claim, it is one of many policies that "shall constitute the standards by which the adequacy of local coastal programs . . . and the permissibility of proposed developments subject to the provisions of this division are determined." (§ 30200, subd. (a).)

The policies within the Coastal Act are not always consistent. (§ 30007.5 ["The Legislature further finds and recognizes that conflicts may occur between one or

more policies of the division"].) Section 30007.5 provides "such conflicts [are to] be resolved in a manner which on balance is the most protective of significant coastal resources." Further, "[w]hen a provision of the Coastal Act is at issue, we are enjoined to construe it liberally to accomplish its purposes and objectives, giving the highest priority to environmental considerations." (*McAllister v. California Coastal Com*. (2008) 169 Cal.App.4th 912, 928; § 30009.)

Additionally, section 30211 is limited by section 30214, which states the "public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case."

On this point *Carstens v. California Coastal Com*. (1986) 182 Cal.App.3d 277 (*Carstens*) is instructive. There, in connection with a permit issued to the operators of the San Onofre Power Plant, Commission restricted access to the beach near the plant. The plaintiff argued this limitation was in violation of the public trust doctrine and section 30212.[11]

The *Carstens* court disagreed, holding "Commission [had] properly exercised its duty . . . to consider the various uses of tidelands under the public trust doctrine." (*Carstens, supra,* 182 Cal.App.3d at p. 288.) The doctrine "does not prevent the state from preferring one trust use over another." (*Id*. at p. 289.) In so ruling the court noted the Coastal Act specifically refers to the public trust doctrine and "emphasizes the need to consider public safety." (*Id*. at p. 290.) It stated the Coastal Act recognized there may be conflicting policies and explained the Legislature had provided that such conflicts should be resolved to afford the most protection to "'significant coastal resources.'" (*Ibid*.)

---

[11] Section 30212, subdivision (a)(1) requires that in new developments, public access shall be provided to the shore and coast unless "it is inconsistent with public safety . . . or the protection of fragile coastal resources."

Plaintiff argues *Carstens* is distinguishable because Children's Pool Beach is not federal land and restricted access is not for purposes of protecting nuclear safety. Neither of these distinctions makes a difference in the principles *Carstens* enunciated. Nor does it matter that in *Carstens* there was no legislation granting the public access or specifying uses. The Coastal Act provides for access but not absolute access to the exclusion of every other consideration. Further the Trust provides for multiple uses and does not regulate the time and manner of access to the Children's Pool Beach.

Plaintiff also relies on an apparent finding in *Carstens* that there would be only an "indirect[] impair[ment]" of access in contrast to the prohibition of access here. (*Carstens, supra,* 182 Cal.App.3d at p. 294, fn. 15.) But there is no complete prohibition here. The Closure is in effect for only a portion of the year and the breakwater is accessible throughout the year.

Additionally, we are not persuaded that section 30214 does not apply to interpret section 30211. Plaintiff argues section 30211 is mandatory because it uses the word shall. But as Commission points out, every public access section in Article 2 and almost all policy sections in Article 3 of the Coastal Act contain the word shall. (E.g., §§ 30210 ["maximum access . . . shall be provided"]' 30211 ["Development shall not interfere"], 30212 ["public access . . . shall be provided"], 30212.5 ["Public facilities . . . shall be distributed"], 30213, 30222, 30230, 30241, 30251, 30263.)

And at least one section, section 30230, directly conflicts with section 30211 in this case. It provides, "Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes." (§ 30230.)

In concluding section 30214 limits 30211 we employ the ordinary rules of statutory construction. "We must harmonize statutes dealing with the same subject if possible [citation] and avoid interpreting a statute in a way which renders another statute nugatory. [Citation.] '"[T]he 'plain meaning' rule does not prohibit a court from determining whether the literal meaning of a statute comports with its purpose or whether such a construction of one provision is consistent with other provisions of the statute. The meaning of a statute may not be determined from a single word or sentence; the words must be construed in context, and provisions relating to the same subject matter must be harmonized to the extent possible. [Citation.] Literal construction should not prevail if it is contrary to the legislative intent apparent in the statute. The intent prevails over the letter, and the letter will, if possible, be so read as to conform to the spirit of the act." [Citation.]' [Citations.]" (*Peltier v. McCloud River R.R. Co.* (1995) 34 Cal.App.4th 1809, 1816.)

We also disagree with plaintiff's claim that, assuming section 30214 applies, the Closure does not just regulate time, place, and manner but rather eliminates access during the several applicable months. Eliminating access for part of the year does regulate time and manner.

Finally, as discussed above, substantial evidence supports Commission's grant of the Permit. In reviewing a request for a permit and amendment to an LCP, Commission must determine whether they conform with the Coastal Act. (§§ 30512, 30512.2, 30513.) Courts presume an agency properly performed it duties (Evid. Code, § 664) and that its decision is supported by substantial evidence (*Young v. City of Coronado* (2017) 10 Cal.App.5th 408, 419). Plaintiff has the burden to show there is insufficient evidence. (*Ibid*.) It has not done so.

The Commission granted the Permit, acting to protect the seals by limiting human contact. As shown by the numerous access restrictions it has approved,[12] this was not unusual. And it conformed to the Coastal Act by balancing the goals of protecting both resources and public access.[13]

7. APA Process

The trial court ruled defendants should have instituted a proceeding under the APA, stating, in part, "Citizens challenging actions done under [the MMPA] must sue under [the APA]." This action does not involve a challenge to an MMPA action. Nor did plaintiff ever argue the APA applied to the matter.

The court apparently decided City could have obtained authorization from the Secretary to manage the seals by virtue of an APA proceeding. This is incorrect as well. First, as discussed above, the Ordinance did not "manage" the seals. Further, the APA does not provide a process by which City could have obtained authorization to do so. The APA allows judicial review of "final agency action for which there is no other adequate remedy in a court." (5 U.S.C. § 704.) It sets out "procedures by which federal agencies are accountable to the public and their actions subject to review by the courts." (*Franklin v. Massachusetts* (1992) 505 U.S. 788, 796.)

Further, contrary to the court's finding, neither City nor Commission is an agency under the APA. (5 U.S.C. § 551(1) [with certain inapplicable exceptions, "'agency' means each authority of the Government of the United States"]. Thus, the APA did not provide a basis for invalidating the Ordinance or the Permit.

---

[12] Commission has taken similar action to limit access to protect marine resources in other locations throughout the state, including Solana Beach, Malibu, and Monterey County.

[13] Commission has never been shy about requiring public access to California's beaches where it believed it was proper. (See e.g., *Surfside Colony, Ltd. v. California Coastal Com.* (1991) 226 Cal.App.3d 1260, 1262; *Whaler's Village Club v. California Coastal Com*. (1985) 173 Cal.App.3d 240, 256 (and cases cited therein).

DISPOSITION

The judgment is reversed. The request for judicial notice is granted. Defendants are entitled to costs on appeal.

THOMPSON, J.

WE CONCUR:

O'LEARY, P. J.

ARONSON, J.

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
HALL OF JUSTICE
TENTATIVE RULINGS - January 03, 2008

EVENT DATE: 01/04/2008 EVENT TIME: 10:30:00 AM DEPT.: C-60

JUDICIAL OFFICER: Yuri Hofmann

CASE NO.: GIC826918

CASE TITLE: O'SULLIVAN VS CITY OF SAN DIEGO

CASE CATEGORY: Civil-Unlimited CASE TYPE: Misc Complaints - Other

EVENT TYPE: Motion Hearing (Civil)
CAUSAL DOCUMENT Motion - Other, 12/12/2007
/DATE FILED:

Defendant City of San Diego's "Motion to Clarify the Court's Injunction" is DENIED.

The Court is wary of ruling on the instant Motion, as it appears to seek something akin to an advisory opinion before the controverted issue is ripe. On the other hand, the City appears to be asking the Court to re-analyze an issue which has already been addressed and determined by this Court and the Court of Appeal. Specifically, the "rope issue" was discussed in both this Court's and the Court of Appeal's final rulings in favor of Plaintiff and against the City. Ultimately, both Courts found that the placement of a "rope barrier cutting off public access to the Pool," along with other various restrictions, "served to deter the public, beneficiaries of the trust grant, from using the beach," which resulted in the City's breach of its obligations as trustee under the subject Trust. (See Court of Appeal Ruling, pp. 12-13, quoting portions of the Trial Court's Statement of Decision.) More specifically, the Trial Court stated in its lengthy Statement of Decision:

The next biggest cause of actual or constructive closure of the Children's Pool was the City's decision to erect a rope barrier cutting off public access to the Pool. On March 29, 1999, the City Council . . . voted to rope off the Pool. *In doing so, the City breached its obligations under the Trust, as trustee of the* Children's Pool. Instead of returning the Pool to its original and safer configuration and also rectifying the unhealthy condition of the water and sand at the Pool, the City barred the use of the Children's Pool as a "public park, bathing pool for children, . . . and [use for] playground and recreational purposes," as expressly required by the 1931 Trust. The rope remained up from March 1999 until September 17, 2004.

(8/26/05 Statement of Decision, p. 24, Is. 3-14, emphasis added.)

In the instant Motion, the City asks the Court to reconsider the rope issue in the context of new evidence not proffered at trial. The Court declines to do so. As noted above, the relevant issue has been considered and decided, and the Court's directives to the City are clear and unambiguous.

From: Chris Yates - NOAA Federal <chris.yates@noaa.gov>
To: David Valentine <dave_valentine_92037@yahoo.com>
Cc: Chris Yates - NOAA Federal <chris.yates@noaa.gov>
Sent: Tuesday, July 19, 2016 10:17 AM
Subject: Re: Letter attached

Hi David, thank you for your letter to Will Stelle dated July 11, 2016. There are a few specific points that you posed that I wanted to respond to.

1. Regarding Section 109 (a) of the MMPA, my letter to the City of San Diego on January 2, 2014 advised the city to consider the MMPA's pre-emption provisions as it makes decisions about how to proceed at Children's Pool.

2. Regarding Section 109 (h) of the MMPA, I have been clear to many parties, including the City, La Jolla Town Council, and in media interviews that the MMPA allows for federal, state, or local government officials or employees to non-lethally take a marine mammal for the protection or welfare of the animal or the protection of public health and welfare.

3. Per you questions who exactly has this authority I will share with you my response to a similar question from you in June 2015.

-- From my simple reading of the Act, 109(h) authority is granted to Federal, State or local government "officials" or employees. I believe there is sufficient flexibility in that definition for the City, with clear documentation, to use non-employees to act on the city's behalf if designated as officials charged with conducting 109(h) activities. Of course, the City would need to make this decision, clearly designate the persons as acting on behalf of the City, and then be responsible for their actions.

I don't see any provisions for someone to "assume' the City's 109(h) authority without a clear decision by the City. The Act provides the authority to the City, it does not provide for someone else to assume the authority if the City chooses not to exercise it.

4. And per your question about having other individuals or groups be granted take authority, I will also share my response from last June.

--MMPA section 112(c) authorizes the Secretary (acting through NOAA) to enter into Contracts, leases, and cooperative agreements...or other transactions to carry out the purposes of the Act. As far as I am aware, it has been used only for the Stranding Networks.

I think one of the key considerations in considering this would be whether such contracts, leases, or agreements further the overall purposes of the Act, which is focused on the conservation and protection of marine mammals, not the removal of animals that some deem to be a public nuisance. So, I guess it is an open question how much flexibility we have under section 112(c) since it is untested. From my perspective, using 112(c) to authorize take would likely be a low priority for NMFS since the City has authority already under 109(h) and our primary role under the MMPA is the conservation of marine mammals, not the public health and welfare responsibilities that are the purview of others.

5. Regarding OSP determinations, I anticipate that an OSP analysis for California sea lions will be reviewed at the next meeting of the Pacific Scientific Review Group and any updates to OSP will be included in the next Stock Assessment Report.

Thanks for your continued interest in this challenging topic. Chris

On Sun, Jul 10, 2016 at 3:38 PM, David Valentine <dave_valentine_92037@yahoo.com> wrote:

David W. Valentine, PhD
7305 Monte Vista Avenue
La Jolla, CA 92037
dave_valentine_92037@yahoo.com

11 July 2016

Will Stelle
Administrator, Northwest Region
National Marine Fisheries Service
7600 Sand Point Way, NE, Bldg 1
Seattle, WA 98115-0070

Subject: Pinniped challenges in La Jolla

Dear Mr. Stelle;

In 2013 San Diego Divers sent you a letter seeking a better relationship between NMFS West and recreational ocean users. Apparently as a direct result of this letter Mr. Chris Yates toured La Jolla pinniped sites with local divers. Mr. Yates then sent a letter to the San Diego City Council and the California Coastal Commission reminding them MMPA section 109(a) could not be ignored.

San Diego City Attorney Jan Goldsmith believed the City had authority to solve its beach management problems without apparent regard to Federal law. The San Diego City Council followed his direction and closed the Children's: Pool, a public beach, in clear violation of the State constitution.

Mr. Michael Aguirre, the former City Attorney, previously issued a legal opinion that closure of the Children's Pool was legal based on letters from the previous NMFS SW administration. Hence, Mr. Yates's letter of 2 January 2014 was regarded as an anomaly, inconsistent with established NOAA policies, regardless of the clear meaning of MMPA section 109(a). Both attorneys, as well as the City Council they represented, believed they had *carte blanche* to act as they saw fit.

Mr. George Schaefer, a deputy City Attorney, reported a phone "client-attorney privileged" conversation with a NOAA representative in Long Beach he had the following day (3 January 2014). The essence of this conversation was *"At the appropriate time, I will share with you suggestions regarding beach closure. The Feds don't want it to be based on the rationale that the City is complying with the MMPA".* Thus, MMPA section 109(a) would not apply as long as the City did not cite the MMPA. The City then passed and enforced a municipal law with the sole purpose of protecting marine mammals by excluding people from a public beach. The MMPA was not mentioned though the underlying reasoning was clear.

The San Diego California Coastal Commission staff was directed to evaluate a Coastal Development Permit submitted by the City for closure of the Children's Pool based solely on California statues. A Coastal Zone Code section requiring preservation of "fragile and valuable coastal resources" was touted as trumping public access sections of the California Coastal Act and the California Constitution. Federal statues were ignored.

The California Coastal Commission cited NMFS SW published "findings" that harbor seals become stressed at human proximity and such stress will result in premature parturition; startled seals trampling their young or lethal pup abandonment. The City funded a full time ranger at Children's Pool who was unable to document these impacts.

A 2007 NMFS SW website failed to document the presence of harbor seals or sea lions at coastal sites south of Malibu with the singular exception La Jolla. The website was mislabeled as "California Pinniped Map". It is a map of NOAA recognized pinniped *survey* sites. And there were no 'recognized' surveys conducted south of Malibu. If one does not look for coastal pinnipeds one will not find them. And the finding is doubly puzzling since the NOAA headquarters in Southern California is located in Seal Beach.

A successful lawsuit was subsequently filed by the Friends of the Children's Pool to force the City of San Diego to retract the closure ordinance and comply with State and Federal law (1). The San Diego City attorney convinced the San Diego City Council the judge's decision was based on an erroneous reading of both State and Federal law and is appealing the decision. San Diego has a long history of evading the law to allow marine mammals' residency on urban beaches as "a lucrative tourist attraction" (2)

In 2009 NOAA biologists anointed South Casa Beach, immediately adjacent to Children's Pool, as the second harbor seal rookery in La Jolla.

Several years ago sea lions began invading La Jolla Cove, a world famous vacation destination. Recently, apparently because of overcrowding, the sea lions have colonized Boomer Beach 100 yards west of the Cove. The first 'urban' sea lion pup was documented here recently. We apparently now have two sea lion attractions as well.

.

A NOAA branch is apparently unwittingly supporting a public relations campaign directing interest parties to the harbor seals at the Children's Pool, and by extension, sea lions at the Cove as tourist attractions (3). This is at odds with the spirit of the MMPA which clearly forbids unauthorized State or Local jurisdictions from controlling pinnipeds. It is also clearly against the wishes of La Jollan's and many tourists. For the first time in a hundred

years the world famous La Jolla Rough Water Swim has been cancelled because of concerns surrounding the number and aggressiveness of sea lions and health advisories dealing with fecally contaminated sea water.

I would hope that NOAA would take a firm public stance and announce that the MMPA does not allow any jurisdiction in California to intentionally or unintentionally control pinnipeds [reaffirm section 109(a)]. I would also like to see an announcement that MMPA section 109(h) gives local jurisdictions the absolute authority to remove pinnipeds which present a public health and welfare challenge or the nonlethal removal of nuisance animals without requiring any special Federal permits or notification.

A letter from Mr. David Cottingham to Rodney McInnis (3 November 2005) partially addressed the 109(h) question, "the City may not designate someone other than a City official or employee to take marine mammals on its behalf." The question might then default to 'Who can be considered a City employee?" It is fairly obvious that someone who is paid by the City and works 40 hours a week is a City employee. But if someone is paid a token salary does that make them an "employee"? The question seems to default to, "Who within the City may make a designee with impunity?"

When the City directs a community, such as La Jolla, to establish advisory groups and provides them legal representation through City attorneys do members of that group become *de facto* employees? One alternative to avoid such questions is to make an application to the Secretary for blanket permission for a specific La Jolla group to remove La Jolla pinnipeds in a humane manner under section 109(h). Is there a process for making such a request from the Secretary? It would be easier for the City and the residents of La Jolla to work together to resolve these issues. If a City sanctioned group in La Jolla obtained permission from the Secretary then the City and La Jolla residents might be working at odds against one another. La Jollans definitely want the sea lions removed from the La Jolla Cove (4), the City wants only to address olfactory issues, not the central issue of sea lion residency. The best alternative would be for the City to respect the California Constitution and Federal authority.

Finally, both California sea lions and harbor seals are above Optimum Sustainable Population and at or beyond Carrying Capacity. A statement to this should be included in subsequent SARS reports. Reporting reaching and exceeding OSP is an unfulfilled Congressional mandate which has yet to be met (5). Removing any, or all, of these pinnipeds from La Jolla beaches would **no**t threaten the continued health and welfare of these species and would restore public beach access to the public.

I urge you to take a stand based on Federal law and not a crowd mentality. Make, and publicize, NMFS interpretation of MMPA sections 109(a) and (h). And you might also mention that Federal law always trumps local or state law. Perhaps the Secretary might release such a statement to allay any concerns of local partiality.

Sincerely yours,

sent via email to: will.stelle@noaa.gov

David Valentine, PhD
Retired Marine Biologist
48 year La Jolla resident

cc. Chris Yates chris.yates@noaa.gov

(1) Friends of Children's Pool v. City of San Diego
Orange County Superior Court Case No. 30-2015-00778153-CU-WM-CJC
(2) Coastal Commission 2014.
(3) https://www.facebook.com/NOAAFisheriesWestCoast/photos/a.218176738299054.47917.187396671377061/957240687725985/?type=3&theater
And embedded links, #seals #casabeach #childrenspool
(4): Our local newspaper, the *La Jolla Light*, recently (30 June 2016) published the results of a survey regarding the Children's Pool. According to this survey, 78 percent of responders believe the City of San Diego should ***NOT*** appeal the recent court decision which found the City in violation of both State and Federal statutes. None of the surveys conducted by this newspaper can positively identify La Jolla residents. Some past polls have had more respondents than the adults who have voted in La Jolla that wanted the seals and sea lions left alone. That occurs when local activists appeal to a nationwide group of animal lovers and the poll becomes asymmetrically biased.
(5) MMPA section).117 (a)(5) and Sec 3(a)

--
Chris Yates
Assistant Regional Administrator
NOAA Fisheries West Coast Region
U.S. Department of Commerce
Office: 562-980-4007
chris.yates@noaa.gov

From:	John Leek
To:	Lasiter, Melody@Coastal
Subject:	Re: Needed documents for your analysis of the permits to be renewed in June
Date:	Monday, February 11, 2019 11:06:18 PM
Attachments:	Appeal decision.pdf AMICUS BRIEF.pdf Letter CCC 2_12_19.docx

---

As I promised, I am attaching a second letter and the legal documents you probably already have but now can view in light of their history. If you would estimate the future, you must learn from the past.

On 2/5/2019 11:16 AM, John Leek wrote:

> To prepare staff recommendations concerning the 2 permit renewals in June to curtail shoreline access at Children's Pool for another decade, you need facts to review. You have indicated you do not have a lot of spare time on your hands even now.
>
> I am attaching a letter with information and documentation. You will be receiving lots of public input as well, but unfortunately such input will largely be unsubstantiated opinions, as if the Coastal Commission must operate by popular plebiscite when carrying out the law.
>
> The Coastal Commission is a judicial body charged with enforcing the Coastal Act as created by the legislature, and the State Constitution. The CCC serves as judge and jury and investigative body, but unfortunately anyone can submit testimony, unsubstantiated claims and opinions, fake news, rants, form letters. Yours is the only fact checking and sadly there is no penalty for perjury or misrepresentation to dampen petitioners.
>
> If you have reason to doubt or question me anytime, please say so that I might document or withdraw. The burden of proof is mine.

2/12/2019
Melody Lasiter
Coastal Commission Staff
7575 Metropolitan Dr. Suite 103
San Diego, CA 92108

Ref: Documents relevant to analysis of a closure permit renewal

You have had time to read the O'Sullivan case attached with my previous letter. It contains history essential to understanding how San Diego got itself in trouble as it sought to steal access to a public beach from its citizens and particularly its children. NOAA had said nothing when San Diego created the Seal Rock reserve to enhance the seal viewing tourist attraction. NOAA said nothing as seals supposedly their charges overflowed Seal Rock and wandered over to Children's Pool where they were welcomed by delighted beachgoers. But NOAA did urge San Diego to do NOAA's job for them, one way or the other. Perhaps you read:

"As early as 1999, the West Coast Administrator of NOAA, James Lecky, wrote Terry Williams at the City to advise the City that provisions existed in the federal law that permitted the City to address human health and safety issues posed by marine mammals. [Exh, 205.] Mr. Lecky repeated this advice to the City on numerous subsequent occasions. The City has elected not to avail itself of the applicable provisions of federal law that would permit it to address the health and safety issues presented at Children's Pool. To this date, those conditions persist unabated."

In spite of conditions of the 2014 CDP for San Diego to address those issues, nothing still. San Diego seems confident the Commission will waive the conditions. A recent court case finally relieved NOAA of its responsibility and expenses for tame urban pinnipeds in California. Not only San Diego has ownership of what the Staff described in 2014 as a "lucrative tourist attraction", but the Coastal Commission owns the care and protection of all pinnipeds on the entire California Coastal Zone.

The reference to rehab seals being released In La Jolla - Seal Rock area is clear in the O'Sullivan decision and If you would wish I can give you the data found in Freedom of Information Act Request 2008-0451 detailing the rehab seal releases from 1990 to 2005. Now their descendants are outgrowing the first beachheads and will be the Coastal Commission's headache. San Diego problems are small compared to the problems looming in Northern California. And those have yet to equal the ecological disasters NOAA has fostered in Oregon and Washington.

I have attached the appeal decision that awarded to the premise the Coastal Commission argued in 2014, that animals in the Coastal Zone are a valuable resource by interpretation of the Coastal Act and so should be an asset of the landowner. San Diego maintained it was the landowner of Children's Pool per the 1931 Trust, its argument against federal oversight being it "has the right to manage its own land". Only that was wrong, you know. A beach does not belong to a City, but to the State of California, and the coastal zone as the easement is also the responsibility of the Coastal Commission. You have it all.

The enormity of the burden of inheriting NOAA's malfeasances would not be apparent now, as NOAA has been hiding pinniped overpopulation from its own internal monitors and Congress. I don't expect you to take my word for that, so more documentation must follow.

G053709

In the Court of Appeal
Fourth District of California
(Division 3)

FRIENDS OF THE CHILDREN'S POOL

Plaintiff and Respondent

vs.

THE CITY OF SAN DIEGO

Defendant and Appellant

COASTAL COMMISSION OF THE STATE OF CALIFORNIA

Defendant and Respondent

AMICUS CURIAE BRIEF OF THE SEAL CONSERVANCY IN SUPPORT OF APPELLANT CITY OF SAN DIEGO

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INTRODUCTION

The court below made two fundamental errors in deciding this case. The first is in its assumption that the federal government has and can exercise plenary authority over land that inarguably belongs to the City of San Diego ("City") and is under the exclusive jurisdiction of the City and the State of California.

The court's second error is in concluding that the City's exclusion of human traffic from its land is preempted by a federal statutory scheme that, first, has nothing to do with land management and, second, cannot operate to preclude the City's exercise of its exclusive jurisdiction over its proprietary land.

The trial court's decision was unaccompanied by substantial authority for its interpretation of the Preemption Doctrine, so it is difficult to determine how the court concluded that preemption – something that is not favored and is sparingly applied – is appropriate in this instance.

The concept of federal pre-emption derives from the Supremacy Clause of the United States Constitution and implicates fundamental notions of state sovereignty, the independence of state authority, Constitutional limits on enumerated federal powers and the United States' unique scheme of dual sovereignty. It calls into play the basic concepts undergirding the American federal system going back to the Founding. Accordingly, this brief is intended to provide this Court the historical, theoretical and Constitutional background on which the Court's decision must ultimately rest.

The Seal Conservancy ("Conservancy") is a non-profit organization of concerned citizens that has, for some years, acted on behalf of the harbor seals who have established a nursery for the birth and nurturing of their young; the voiceless ones whose only ability to be heard is through their human advocates. The Conservancy has acted in protection of the largely helpless mother seals not only through advocacy but by public education and even on-site monitoring and physical protection. It has also supported City efforts to secure its property and to exclude human traffic during certain critical times of year. The Conservancy is vitally concerned with the maintenance of the tremendous public and environmental resource of Southern California's only harbor seal rookery.

The briefs of the parties herein will doubtlessly include a detailed background to provide the factual setting of the dispute. So, Amici will not recount it here. For our purposes, the only necessary facts for the argument set forth herein is that California assumed ownership of its coast and tidelands on statehood. In 1931, the State of California granted the property at issue herein to the City of San Diego, in trust for certain purposes. The City remains legal owner thereof through that grant.

HISTORICAL BACKGROUND

Any analysis of a claim of federal preemption must be informed by a firm understanding of the sources and limitation of federal power and the extent of state sovereignty in our federal system. We beg the Court's indulgence, therefore, because it is our view that preemption cannot be understood in isolation from its historical underpinnings.

After years of ferment, the thirteen English colonies in North America declared, each in its order, their independence from Great Britain. In doing so, each colony declared itself a free and independent "state", by which it meant "a political body, or body politic". The Founders self-consciously chose the term "state" to describe a discrete, independent government exercising exclusive jurisdiction over a defined geographical area. By these acts each colony became a self-governing nation inheriting all sovereign rights and powers of the Crown within its borders. *Ware v. Hylton* (1796) 3 U.S. (Call.) 199, 223; *Alden v. Maine* (1999) 527 U.S. 706, 713.

Each state operated (and still operates) independently of every other State. Each established and maintained its own instruments of government, laws and methods of governing. *Ware v. Hylton*, *supra*, at 224

> "Before these solemn acts of separation from the Crown of Great Britain, the war between Great Britain and the United Colonies, jointly, and separately, was a civil war; but instantly, on that great and ever memorable event, the war changed its nature, and became a PUBLIC war between independent governments; and immediately thereupon ALL the rights of public war (and all the other rights of an independent nation) attached to the government of Virginia; and all the former political connection between Great Britain and Virginia, and also between their respective subjects, were totally dissolved; and not only the two nations, but all the subjects of each, were in a state of war; precisely as in the present war between Great Britain and France. Vatt. Lib. 3. c. 18, s. 292. to 295. lib. 3. c. 5. s. 70. 72 and 73." *Id.*

The separate and complete sovereignty of the original states was sufficiently important to the founding generation that it enshrined

it in their first formal treaty, the Articles of Confederation, Article II.[1] The States' succession to the sovereignty of the Crown has repeatedly been reaffirmed by the Supreme Court. (*Ware v. Hylton*, supra; *Martin v. Waddell* 41 U.S. 367 at 367 (1842) ("When the Revolution took place, the people of each state became themselves sovereign..."); *Shively v. Bowlby* 152 U.S. 1, 14-15 (1894) ("And upon the American Revolution, all the rights of the Crown and of Parliament vested in the several States...").)

As independent sovereigns, the States established separate governments; adopted individual state constitutions; enacted criminal and civil statutes; imposed taxes and imposts; established and maintained courts; and succeeded to all other incidents and prerogatives of the sovereignty previously enjoyed by the Crown in North America,[2] including ownership of all vacant and unappropriated land within their borders. Id. Included in those lands were the territorial waters and tidelands. *United States* v. *California,* 332 U. S. 19 (1947)

The adoption of the Constitution did not change that paradigm. The sovereignty of the states was fully preserved and has been recognized by the United States Supreme Court in decision after decision. We will explore this concept in more detail hereinbelow. For present purposes, however, suffice it to say that state sovereignty and the prerogatives that flow from it is a value of Constitutional moment and will not lightly be disregarded.

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[1] "Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled."

[2] (See, Curtis, *History of the Origin, Formation, and Adoption of the Constitution of the United States*, Harper Bros., 1860; Vol.1, page 38)

THE EQUAL SOVEREIGNTY PRINCIPLE

As we have observed, on independence from England, the original thirteen colonies became sovereign nations. The extent of that nationhood can be measured by the fact that some states imposed tariffs on others; that some states exchanged ambassadors and that all formed their own armies and, some, their own navies.[3] That status as independent nations must inform any understanding of the creation of a national compact among the states that created a nascent national body to which the states delegated certain, discrete powers. But the Articles of Confederation that accomplished this specifically and by its terms preserved state independence. That status is recognized in the very name of our nation: The "United States" of America; a league of sovereign nations united by a single compact.

A league of any sort necessarily has members and those members must necessarily be equal under the rules of the league. So it is that each new state that was added to the league after the Founding was admitted on an equal footing to all of its predecessor sister states. The seminal case articulating this principle, the Equal Footing Doctrine, is *Pollard v. Hagen* 44 U.S. 212 (1945). In that case, the Supreme Court found that when Alabama achieved statehood, it succeeded to all incidents of sovereignty within its borders previously belonging to the United States because new States must be admitted on an equal footing with the original States in all respects whatever. *Id.* at 222 ("And whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted by its

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[3] Claude H. Van Tyne, *Sovereignty in the American Revolution: An Historical Study*, 12 AM.HIST.REV. 529 (1906–07)

delegates into the congress of the United States, on an equal footing with the original states in all respects whatever"), and at 223 ("When Alabama was admitted into the union, on an equal footing with the original states, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession . . .").

All of the Equal Footing cases emphasize the sovereignty of the States and that the "footing" on which they are equal to the original States, is in the forms, rights and incidents of sovereignty to which the original States succeeded from the Crown on independence.

> "No principle is more familiar than this, that whilst a state has granted a portion of its sovereign power to the United States, it remains in the enjoyment of all the sovereignty which it has not voluntarily parted with . . . In the Constitution, what power is given to the United States over the subject we are now discussing? In a territory they are sovereign, but when a state is erected a change occurs. A new sovereign comes in."
> *Id.*, at 215

The same issue arose in *Shively v.* Bowlby, 152 U.S. 1 (1892). Shively claimed ownership of land on the basis of a grant by the United States and Bowlby claimed through Oregon. The Court found for Bowlby on the basis of the retained sovereignty of the State and its admission to the Union on an equal footing with the original States that succeeded to the Crown's sovereign rights in land below the high water mark. The Court wrote:

> "Clearly, congress could exact of the new State the surrender of no attribute inherent in her character as a sovereign, independent state, or indispensable to her equality with her sister States, necessarily implied and guaranteed by the very

nature of the Federal compact." *Shively*. at 152 U.S. at 34; 14 S.Ct. at 560

Accordingly, when the State of California was admitted to the Union in 1850, it succeeded to all of the sovereign powers enjoyed by the original thirteen states and the sister states that preceded her, including ownership in the tidelands and territorial waters along its coast.

THE STATES RETAIN MUNCIPAL SOVEREIGNTY

So, what are the incidents of sovereignty to which California succeeded on statehood?

Sovereignty, in the conduct of collective human activity, is the right of a people or a government to conduct its internal affairs in accordance with its discrete rulemaking mechanisms. The "sovereign", whether a nation-state or one of the United States, has the power to: make laws for the governance of a people; impose taxes; enforce laws; enter into agreements and treaties with other sovereign peoples and states; conduct national trade; raise armies and navies; act on behalf of the state in relation to other sovereigns; conduct national and internal defense for the protection of the state and its people; and, acquire, own and dispose of land in the name of the sovereign by right of purchase, conquest or discovery. *Johnson and Graham's Lessee v. M'Intosh* 21 U.S. 543, 595-596 (1823)[4]; All of those powers inhered in the original thirteen states until specific powers, such as the conduct

[4] *See, also, Biersteker, Thomas; Weber, Cynthia (1996). State Sovereignty as Social Construct. Cambridge Studies in International Relations 46. Cambridge University Press; Blackstone's Commentaries, Book 1, Chapter 7; Commentaries On the Constitutions and Laws, Peoples and History, of the United States: And Upon the Great Rebellion and Its Causes*; Ezra Champion Seaman, Ann Arbor, 1863; page 173.

of foreign relations and the raising of armies and navies, were delegated to the national government.

From the earliest days of the Republic, it has been recognized that the states are the primary seat of sovereignty and retain that sovereignty after statehood. In *Pollard v. Hagan* 44 U. S. (3 How) 211, 223, the Supreme Court wrote:

> "And, if an express stipulation had been inserted in the agreement, granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative; because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a state or elsewhere except in cases in which it is expressly granted."

To understand the Court's meaning, one must understand an ancient concept little used in modern days and that is the notion of "municipal sovereignty". The Court defined that concept eight years before it decided *Pollard* in *New York v. Miln* 36 U.S. (11 Pet.) 102, 139 (1837) In that case the court wrote of "municipal sovereignty":

> "We choose rather to plant ourselves on what we consider impregnable positions. They are these:
>
> That a state has the same undeniable and unlimited jurisdiction over all persons and things within its territorial limits as any foreign nation where that jurisdiction is not surrendered or restrained by the Constitution of the United States. That, by virtue of this, it is not only the right but the bounden and solemn duty of a state to advance the safety, happiness, and prosperity of its people and to provide for its general welfare by any and every act of legislation which it may deem to be conducive to these ends where the power over the particular subject or the manner of its exercise is not surrendered or restrained in the manner just stated. That all those powers which relate to merely municipal legislation, or what may

> perhaps more properly be called internal police, are not thus surrendered or restrained, and that consequently, in relation to these, the authority of a state is complete, unqualified, and exclusive."

An early treatise on the subject explains the significance of the distinction:

> The distinction between national sovereignty and municipal sovereignty is not an arbitrary one but naturally arises out of the nature of government and has often been recognized by the United States supreme court as a distinction which marks the boundary line between federal and state power.[5]

As *Pollard* recognizes, the states retain plenary power and sovereignty over the land within their borders that is privately owned or owned by the state itself and has exclusive police power with respect to it.

The *Pollard* Court went on to write:

> "We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory, of which Alabama or any of the new States were formed."
> *Pollard*, at 221.

And, further, at page 223, the Court wrote:

> "[B]ecause, the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted."

Finally, at pages 228-229, the *Pollard* Court concluded:

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[5] *Federal Procedure at Law: A Treatise on the Procedure on Suits at Common Law*; Vol. 1 by C.L. Bates, T.H. Flood & Co., 1908, page 148; § 181.

"Alabama is therefore entitled to the sovereignty and jurisdiction over all the territory within her limits, subject to the common law,"

In *Fort Leavenworth R. Co. v. Lowe* 114 U.S. 525, 531, 5 S.Ct. 995 (1885), the Supreme Court carefully explained the limits of federal power in land within state borders:

> "The consent of the states to the purchase of lands within them for the special purposes named, is, however, essential, under the Constitution, to the transfer to the general government, with the title, of political jurisdiction and dominion. Where lands are acquired without such consent, the possession of the United States, unless political jurisdiction be ceded to them in some other way, is simply that of an ordinary proprietor. The property in that case, unless used as a means to carry out the purposes of the government, is subject to the legislative authority and control of the states equally with the property of a private individual."

THE STATE OF CALIFORNIA RETAINS POLICE POWERS OVER ALL LAND WITHIN ITS BORDERS THAT IT OWNS OR IS PRIVATELY OWNED.

In *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 132 S. Ct. 2566, 2578 (2012), Chief Justice Roberts recently explained the rationale for the retention of police powers by the several states:

> "State sovereignty is not just an end in itself: Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power." *New York* v. *United States*, 505 U.S. 144, 181, 112 S. Ct. 2408, 120 L. Ed. 2d 120 (1992) (internal quotation marks omitted). Because the police power is controlled by 50 different States instead of one national sovereign, the facets of governing that touch on citizens' daily lives are normally administered by smaller governments closer to the governed. The Framers thus ensured that powers which "in the ordinary course of affairs, concern the lives, liberties,

> and properties of the people" were held by governments more local and more accountable than a distant federal bureaucracy. The Federalist No. 45, at 293 (J. Madison). The independent power of the States also serves as a check on the power of the Federal government: "By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power." *Bond* v. *United States*, 564 U.S. ___, ___, 131 S. Ct. 2355, 2364, 180 L. Ed. 2d 269, 280 (2011).

Justice Roberts went on to explain what police powers are retained by the states and denied to the federal government. In *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 132 S. Ct. 2566, 2578 (2012) he wrote:

> Indeed, the Constitution did not initially include a Bill of Rights at least partly because the Framers felt the enumeration of powers sufficed to restrain the Government. As Alexander Hamilton put it, "the Constitution is itself, in every rational sense, and to every useful purpose, A BILL OF RIGHTS." The Federalist No. 84, p. 515 (C. Rossiter ed. 1961). And when the Bill of Rights was ratified, it made express what the enumeration of powers necessarily implied: "The powers not delegated to the United States by the Constitution . . . are reserved to the States respectively, or to the people." U.S. Const., Amdt. 10. The Federal government has expanded dramatically over the past two centuries, but it still must show that a constitutional grant of power authorizes each of its actions. See, *e.g., United States* v. *Comstock*, 560 U.S. 126, 130 S. Ct. 1949, 176 L. Ed. 2d 878 (2010).
>
> The same does not apply to the States, because the Constitution is not the source of their power. The Constitution may restrict state governments--as it does, for example, by forbidding them to deny any person the equal protection of the laws. But where such prohibitions do not apply, state governments do not need constitutional authorization to act. The States thus can and do perform many of the vital functions of modern government--punishing street crime, running public schools, and zoning

> property for development, to name but a few--even though the Constitution's text does not authorize any government to do so. Our cases refer to this general power of governing, possessed by the States but not by the Federal government, as the "police power." See, *e.g., United States* v. *Morrison*, 529 U.S. 598, 618-619, 120 S. Ct. 1740, 146 L. Ed. 2d 658 (2000).
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> *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 132 S. Ct. 2566, 2578 (2012).

THE CITY OF SAN DIEGO OWNS THE LAND AT ISSUE HEREIN BY GRANT FROM THE STATE OF CALIFORNIA.

What territory, then, is encompassed by California's municipal sovereignty and its exclusive rights of jurisdiction, ownership and management? When California entered the Union it retained ownership of all land under navigable waters, both onshore and off. Again, *Pollard v. Hagen*, supra, is dispositive. In that case, the plaintiff sought judgment that he was the rightful owner of land previously below the high water mark on Mobile Bay in Alabama by reason of a patent issued to him by the United States government. The Court held that the United States held no such title, title having passed upon statehood to Alabama, which had the sole right of disposition. The Court found that when Alabama achieved statehood, it succeeded to all incidents of sovereignty within its borders previously belonging to the United States because new States must be admitted on an equal footing with the original States in all respects whatever. *Id.* at 222.[6] That includes ownership of the tidelands in coastal states like California.

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[6] "And whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted by its delegates into the congress of the United States, on an equal

This was confirmed more recently in *Utah Division of State Lands v. United States* 482 U.S. 193 (1987), in which the Court decided that, under the Equal Footing Doctrine, the bed of Utah Lake transferred to the State of Utah upon statehood; this after nearly a century during which virtually everyone – certainly the federal government – assumed ownership to be in the United States because of vague wording in a 1888 Act that reserved certain lands to the United States.

The language in *Utah Division of State Lands* is instructive. The Court begins its opinion by exploring the origins of the Equal Footing Doctrine, instructing that at the time of the American Revolution, certain lands belonged to the sovereign under English common law as a matter of sovereign right and were retained and managed for certain sovereign purposes. When the original States declared their independence, they became sovereign successors to the English Crown and legitimately laid claim to those lands. Because those lands were inherited by the original States by sovereign succession, all new States must, correspondingly, succeed to ownership of similar lands within their borders on statehood, under the Equal Footing Doctrine. The Court stated:

> The equal footing doctrine is deeply rooted in history, and the proper application of the doctrine requires an understanding of its origins. Under English common law the English Crown held sovereign title to all lands underlying navigable waters. Because title to such land was important to the sovereign's ability to control navigation, fishing, and other

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footing with the original states in all respects whatever", and 223 "When Alabama was admitted into the union, on an equal footing with the original states, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession . . .".

> commercial activity on rivers and lakes, ownership of this land was considered an essential attribute of sovereignty. Title to such land was therefore vested in the sovereign for the benefit of the whole people. See *Shively* v. *Bowlby*, 152 U.S. 1, 11-14 (1894). When the 13 Colonies became independent from Great Britain, they claimed title to the lands under navigable waters within their boundaries as the sovereign successors to the English Crown *Id.*, at 15. Because all subsequently admitted States enter the Union on an "equal footing" with the original 13 States, they too hold title to the land under navigable waters within their boundaries upon entry into the Union. *Pollard's Lessee* v. *Hagan*, 3 How. 212 (1845).[7]

The sources of California's rights were explored by the Supreme Court in *Martin v. Waddell.* 41 U.S. (16 Pet.) 367, 426 (1842). The Court wrote:

> "In the case of *Johnson v. McIntosh,* 8 Wheat. 595, this Court said that according to the theory of the British constitution, all vacant lands are vested in the Crown, as representing the nation, and the exclusive power to grant them is admitted to reside in the Crown as a branch of the royal prerogative. And this principle is as fully recognized in America as in Great Britain; all the lands we hold were originally granted by the Crown; our whole country has been granted, and the grants purport to convey the soil as well as the right of dominion to the grantee. Here the absolute ownership is recognized as being in the Crown, and to be granted by the Crown, as the source of all title, and this extends as well to land covered by water as to the dry land; otherwise no title could be acquired to land under water."[8]

Martin was preceded by *Clark v. Smith*, 38 U.S. (13 Pet.) 195, 201 (1839), in which the Court wrote: "..the ultimate fee...was in the

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[7] 482 U.S. 193, 195 (1987)
[8] *Id.* at 426.

Crown previous to the Revolution, and in the States of the Union afterwards."

In the mid-Twentieth Century, the matter of ownership of land off shore became one of some controversy as state governments found that valuable resources were available for extraction in those lands. The Supreme Court was asked, again, to decide the extent of state ownership of such lands as Texas claimed ownership well into the sea and beyond what had traditionally been recognized as the extent of state sovereignty. In 1950, the Supreme Court decided *United States v. Texas,* 339 U.S. 707 (1950) and, while recognizing the rights of the states to ownership of the land shoreward of the low water mark, found that on statehood on an equal footing with its sister states, Texas ceded its rights beyond three miles of the low water mark.

This became a political issue and the development of law thereafter is set forth in detail by Justice O'Connor in *United States v. Alaska* 521 U.S. 1 (1997):

> Several general principles govern our analysis of the parties' claims. Ownership of submerged lands-which carries with it the power to control navigation, fishing, and other public uses of water-is an essential attribute of sovereignty. *Utah Div. of State Lands* v. *United States,* 482 U. S. 193, 195 (1987). Under the doctrine of *Lessee of Pollard* v. *Hagan, 3* How. 212, 228-229 (1845), new States are admitted to the Union on an "equal footing" with the original 13 Colonies and succeed to the United States' title to the beds of navigable waters within their boundaries. Although the United States has the power to divest a future State of its equal footing title to submerged lands, we do not "lightly infer" such action. *Utah Div. of State Lands, supra,* at 197.

> In *United States* v. *California,* 332 U. S. 19 (1947) *(California* 1), we distinguished between submerged lands located shoreward of the low-water line along the State's coast and submerged lands located seaward of that line. Only lands shoreward of the low-water line-that is, the periodically submerged tidelands and inland navigable waters-pass to a State under the equal footing doctrine. The original 13 Colonies had no right to lands seaward of the coastline, and newly created States therefore cannot claim them on an equal footing rationale. *Id.,* at 30-33. Accordingly, the United States has paramount sovereign rights in submerged lands seaward of the low-water line. *Id.,* at 33-36. In 1953, following the *California I* decision, Congress enacted the Submerged Lands Act, 67 Stat. 29, 43 U. S. C. § 1301 *et seq.* That Act "confirmed" and "established" States' title to and interest in "lands beneath navigable waters within the boundaries of the respective States." § 1311(a). The Act defines "lands beneath navigable waters" to include both lands that would ordinarily pass to a State under the equal footing doctrine and lands over which the United States has paramount sovereign rights, beneath a 3-mile belt of the territorial sea. § 1301(a). The Act essentially confirms States' equal footing rights to tidelands and submerged lands beneath inland navigable waters; it also establishes States' title to submerged lands beneath a 3-mile belt of the territorial sea, which would otherwise be held by the United States. *California ex rel. State Lands Comm'n* v. *United States,* 457 U. S. 273, 283 (1982). The Alaska Statehood Act expressly provides that the Submerged Lands Act applies to Alaska. Pub. L. 85-508, § 6(m), 72 Stat. 343 (1958). As a general matter, then, Alaska is entitled under both the equal footing doctrine and the Submerged Lands Act to submerged lands beneath tidal and inland navigable waters, and under the Submerged Lands Act alone to submerged lands extending three miles seaward of its coastline.

What these cases make very clear, then, is that California succeeded to sole ownership of the land at issue herein and had the power to transfer it. It did so, as all parties concede, in a tidelands

trust, to the City of San Diego that now retains – together with California – sole discretion over its management and use.

This concept is central to the trial court's error herein. The court wrongly assumed that the federal government has the power to control and manage land that inarguably belongs to the City of San Diego. But that is not correct. That management and control falls exclusively to the State of California which retains exclusive sovereignty over non-federal land within its borders and to its political subdivision, the City of San Diego, which owns the land. The federal government has no right of ownership, management or control of that land unless granted it by the State of California. *Fort Leavenworth R. Co. v. Lowe* 114 U.S. 525, 531, 5 S.Ct. 995 (1885) There has been no such grant herein.

The trial court's fundamental ruling was that the City of San Diego has the power to manage its own property "*only* if the Secretary [of the Interior or Commerce] had previously granted full authority to City and/or Commission to manage the subject property" [*emphasis supplied*] (*Statement of Decision*, page 15 lines 1 -6). But, as we have seen, the federal government has no such police power or municipal sovereignty over lands that do not belong to it and cannot exercise same without the consent of the State; consent which the State has not granted. (*Id.*)

It is noteworthy that the court below cited no authority for this proposition. That is because the proposition is not correct as a matter of Constitutional law.

THE CITY OF SAN DIEGO HAS EXCLUSIVE AND COMPLETE DISCRETION TO EXCLUDE TRAFFIC FROM LAND IT OWNS.

Cities and counties in the State of California have the right to make and enforce regulations within their limits pursuant to a grant thereof by the California Constitution Article XI, § 7. Although the exercise of the police power must be confined to local regulations and is subject to the general laws of the State of California, it is otherwise as broad as that of the Legislature. *In re Maas* (1933) 219 Cal. 422, 424; *Birkenfeld v. Berkeley* (1976) 17 Cal.3d 129, 140.

Among the proper subjects of local regulation are use of the land, *Great Western Shows v. Los Angeles* (2002) 27 Cal.4th 853, 873 and use of the public streets. *Loska v. Superior Court* (1986) 188 Cal.App.3d 569, 579. This exclusive power includes the right to exclude entry to property owned by the City. *Higgins v. Santa Monica* (1964) 62 Cal.2d 24, 28. See, also *Alioto's Fish Co. v. Human Rights Commission of San Francisco* (1981) 120 Cal.App.3d 594, 604.

In *Higgins*, after recounting the grant of tidelands by the State of California to Santa Monica, in trust, for certain purposes, the Supreme Court held that Santa Monica therefore had discretion to manage and operate its land in a manner of its exclusive choosing, including the right to prohibit entry and the conduct of certain activities on its land. In doing so, the Court held that Santa Monica's discretion was extremely extensive and subject only to an abuse of discretion standard. The Court held that Santa Monica had the power

to exclude, to manage and to determine, in its discretion, what sort of activities it would allow to occur on its land.

The *Higgins* case is one to which this Court should pay particular attention because its fact pattern closely tracks that of the instant case. The tidelands at issue in that case belonged to the State of California which transferred them to the City of Santa Monica for certain purposes. The State later amended the purposes for which the grant was made – primarily commercial purposes – to include the possibility of recreational purposes for the general public. Through a citizen initiative, Santa Monica prohibited exploration for oil on the tidelands and the Court found that Santa Monica had the discretion to decide who could enter its property; what they could do on its property and who it could exclude from its property. The Court held that unless Santa Monica adopted an ordinance that was transparently contrary to the purposes for which the State made its grant, as amended, it was otherwise free to legislate as it wished and to constitutionally exercise its discretion and its ability to exclude with respect to its property.

The Court also found that Santa Monica's exercise of discretion was not preempted by State law. In doing so the Court wrote:

> Furthermore, section 6305 of the Public Resources Code confers "upon the counties and cities to which such [tide] lands have been granted" all the leasing powers granted to the State Lands Commission. All the state's oil-leasing powers are vested in, and exercisable by, that commission. (Pub. Resources Code, §§ 6102, 6216, 6301, 6501.1.) It follows that all such powers in respect to the tidelands granted to Santa Monica are now vested in that city.

Clearly, San Diego has and retains discretion to manage its own assets as it deems proper, in its sole discretion. It needs no permission from the federal government to do so.

In *Alioto*, the court recognized San Francisco's right to enforce provisions of its lease of municipal land to a restauranteur. The premise of the case was that San Francisco had the power to lease its land and, hence, to exclude those who were *not* subject to the lease, and to enforce covenants within the lease that were conditions of the lessee's continued occupancy.

In sum, the federal government has no power or authority over the use of State or City land. In the instant case, then, the State and City retain municipal sovereignty over their land, including the land at issue herein. San Diego's ordinance excluding the general public from its land for periods of time in accordance with its exercise of legitimate legal authority and plenary power is proper under the law and the court below erred in finding that it was required to obtain federal permission to do so.

SAN DIEGO'S EXERCISE OF PLENARY AUTHORITY OVER MANAGEMENT AND OCCUPATION OF ITS LAND IS NOT PREEMPTED BY FEDERAL LAW.

The trial court provided no guidance with respect to the authority upon which it relied in deciding that San Diego's ordinance was preempted by federal law. However, we must start by observing what it is that the Federal Marine Mammals Protection Act was intended to accomplish. 13 U.S.C. 1362 Section 2 sets forth the findings and purposes of the statutory scheme. It is to protect and conserve current populations of marine mammals, including harbor

seals, from "taking", which includes, among other things, "killing", "harassing" and "molesting" those subject to the protection of the Act. It also provides for the replenishment, enhancement and increase of such populations. The section goes on to read:

> "...it is the sense of the Congress that they should be protected and encouraged to develop to the greatest extent feasible commensurate with sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, it should be the goal to obtain an optimum sustainable population keeping in mind the carrying capacity of the habitat."

That overarching purpose must inform any pre-emption analysis because the fundamental notion underlying pre-emption is that state and municipal law must not interfere with legitimate federal goals based on legitimate delegated federal powers. Among those delegated powers, we hasten to emphasize, is *not* the power to seize or manage state or municipal property which the federal government is constitutionally prohibited from doing.

1. **Source of Federal Preemption**.

When Congress exercises a granted power, affected persons may challenge concurrent conflicting state legislation using the "Preemption Doctrine". The "Supremacy Clause", United States Constitution, Article VI, cl. 2, mandates that federal law overrides, i.e., "*preempts*", any state regulation where there is an actual conflict between the two sets of legislation such that both cannot stand. *S.J. Groves &Sons Co. v. Fulton County* (1991) 920 F.2d 752, 763; Rotunda & Nowak, *Treatise on Constitutional Law,* 5th Edition, Vol. 2, § 12.1; page 300.

Note, however, that the first prerequisite for invoking the Preemption Doctrine is that the power the federal government purports to exercise must legitimately be granted to it. As we have seen, state sovereignty and the prerogatives and police powers that accompany it, are critical national values preceding the Founding; constitute the very basis for our federal system and are consistently Constitutionally protected. (See *Alden v. Maine* 52 U.S. 706 (1999); *Shelby County v. Holder* 133 S.Ct. 2612 (2013). Accordingly, the ordinance at issue herein cannot be preempted on the basis of a federal right to manage and control the land to which the ordinance is directed because the federal government does not have the legitimate delegated power to do so.

In *Alden v. Maine*, 527 U.S. 706 (1999) the Supreme Court upheld, on the basis of the equality of the States, the right of States to the protection of sovereign immunity, even as against claims under federal law. In that case, police officers in Maine sued the state in federal court for violation of the Federal Fair Labor Standard Act of 1938. The Court affirmed dismissal on the basis that Maine had not consented to suit and was entitled to the protection of sovereign immunity as an incident of its status as a sovereign State. The Court wrote:

> "Although the Constitution establishes a National government with broad, often plenary authority over matters within its recognized competence, the founding document "specifically recognizes the States as sovereign entities." *Seminole Tribe of Fla. v. Florida, supra*, at 71, n. 15; accord, *Blatchford v. Native Village of Noatak*, 501 U.S. 775, 779, 115 L. Ed. 2d 686, 111 S. Ct. 2578 (1991) ("The States entered the federal system with their sovereignty intact"). Various textual provisions of the

Constitution assume the States' continued existence and active participation in the fundamental processes of governance. See *Printz v. United States*, 521 U.S. 898, 919, 138 L. Ed. 2d 914, 117 S. Ct. 2365 (1997) (citing Art. III, § 2; Art. IV, §§ 2-4; Art. V). The limited and enumerated powers granted to the Legislative, Executive, and Judicial Branches of the National government, moreover, underscore the vital role reserved to the States by the constitutional design, see, e.g., Art. I, § 8; Art. II, §§ 2-3; Art. III, § 2. Any doubt regarding the constitutional role of the States as sovereign entities is removed by the Tenth Amendment, which, like the other provisions of the Bill of Rights, was enacted to allay lingering concerns about the extent of the national power. The Amendment confirms the promise implicit in the original document: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." U.S. Const., Amdt. 10; see also *Printz, supra*, at 919; *New York v. United States*, 505 U.S. 144, 156-159, 177, 120 L. Ed. 2d 120, 112 S. Ct. 2408 (1992).

The federal system established by our Constitution preserves the sovereign status of the States in two ways. First, it reserves to them a substantial portion of the Nation's primary sovereignty, together with the dignity and essential attributes inhering in that status. The States "form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority than the general authority is subject to them, within its own sphere." The Federalist No. 39, p. 245 (C. Rossiter ed. 1961) (J. Madison).

Second, even as to matters within the competence of the National government, the constitutional design secures the founding generation's rejection of "the concept of a central government that would act upon and through the States" in favor of "a system in which the State and Federal governments would exercise concurrent authority over the people -- who were, in Hamilton's words, 'the only proper objects of government.'" *Printz, supra*, 521 U.S. at 919-920 (quoting The Federalist No. 15, at 109); accord, *New York, supra*, at 166 ("The Framers explicitly chose a Constitution that confers upon

> Congress the power to regulate individuals, not States"). In this the founders achieved a deliberate departure from the Articles of Confederation: Experience under the Articles had "exploded on all hands" the "practicality of making laws, with coercive sanctions, for the States as political bodies." 2 Records of the Federal Convention of 1787, p. 9 (M. Farrand ed. 1911) (J. Madison); accord, The Federalist No. 20, at 138 (J. Madison & A. Hamilton); James Iredell: Some Objections to the Constitution Answered, reprinted in 3 Annals of America 249 (1976)"[9]

Just two years ago, the Supreme Court again reaffirmed the power and continuing vitality of the Equal Sovereignty Principle in *Shelby County v. Holder* 133 S.Ct. 2612 (2013). In deciding that the preclearance requirement of the Voting Rights Act was unconstitutional, the Court wrote:

> Not only do States retain sovereignty under the Constitution, there is also a "fundamental principle of *equal* sovereignty" among the States. *Northwest Austin*, *supra*, at 203, 129 S. Ct. 2504, 174 L. Ed. 2d 140 (citing *United States* v. *Louisiana*, 363 U.S. 1, 16, 80 S. Ct. 961, 4 L. Ed. 2d 1025 (1960); *Lessee of Pollard* v. *Hagan*, 44 U.S. 212, 3 How. 212, 223, 11 L. Ed. 565 (1845); and *Texas* v. *White*, 74 U.S. 700, 7 Wall. 700, 725-726, 19 L. Ed. 227 (1869); emphasis added). Over a hundred years ago, this Court explained that our Nation "was and is a union of States, equal in power, dignity and authority." *Coyle* v. *Smith*, 221 U.S. 559, 567, 31 S. Ct. 688, 55 L. Ed. 853 (1911). Indeed, "the constitutional equality of the States is essential to the harmonious operation of the scheme upon which the Republic was organized." *Id.*, at 580, 31 S. Ct. 688, 55 L. Ed. 853. *Coyle* concerned the admission of new States, and *Katzenbach* rejected the notion that the principle operated as a *bar* on differential treatment outside that context. 383 U.S. at 328-329, 86 S. Ct. 803, 15 L. Ed. 2d 769. At the same time, as we made clear in *Northwest Austin*, the fundamental

[9] *Id.* at 713-715

> principle of equal sovereignty remains highly pertinent in assessing subsequent disparate treatment of States." *Id.* at 2623-2624.

In light of the vital Constitutional presumption of state sovereignty, then, pre-emption is not lightly to be found. *Chamber of Commerce of the United States v. Whiting* 563 U.S. 582, 607 (2011) ("Our precedents "establish that a high threshold must be met if a state law is to be pre-empted for conflicting with the purposes of a federal Act.") Indeed, the Supreme Court has, in recent years, imposed a presumption *against* preemption. *New York State Dept. of Social Services v. Dublino* 413 U.S. 405, 413 (1973) ("If Congress is authorized to act in a field, it should manifest its intention clearly. It will not be presumed that a federal statute was intended to supersede the exercise of the power of the state unless there is a clear manifestation of intention to do so. The exercise of federal supremacy is not lightly to be presumed." *Schwartz* v. *Texas*, 344 U.S. 199, 202-203 (1952).)

Bolstering the Court's clear deference to Constitutional state prerogatives, in *Brockett v. Spokane Arcades, Inc.* 472 U.S. 491, 502 (1985), the court held that even if a court were to determine that federal law preempts state law, is must displace state law only to the extent is *actually conflicts* with federal law. (See, also, *Dalton v. Little Rock Family Planning Services* 516 U.S. 474 (1996))

2. **Basic Test For Preemption**.

The Court formulated analytical standards for preemption in the early cases of *Hines v. Davidowitz* 312 U.S. 52 (1941) and *Pennsylvania v. Nelson* 350 U.S. 497 (1956). In *Hines*, the Court held

that when Congress fully occupies a field of law *in which it has jurisdiction to act and state law conflicts with the purpose of a federal statute,* state law must be preempted. *Hines* at 62-62. In *Pennsylvania v. Nelson,* the Court articulated a three prong test for preemption: 1.) whether the federal regulatory scheme was so pervasive as to fully occupy the area and preclude additional legislation; (2) whether the field required national uniformity, and (3) the extent of danger of conflict between state laws and the administration of the federal program. *Nelson* at 502-503.

In *Silkwood v. Kerr-Mcgee Corp.* 464 U.S. 238 (1984), the Court set forth, in simple terms, its basic approach to pre-emption:

> 'As we recently observed in *Pacific Gas & Electric Co.* v. *State Energy Resources Conservation & Development Comm'n,* 461 U.S. 190 (1983), state law can be pre-empted in either of two general ways. If Congress evidences an intent to occupy a given field, any state law falling within that field is pre-empted. *Id.*, at 203-204; *Fidelity Federal Savings & Loan Assn.* v. *De la Cuesta,* 458 U.S. 141, 153 (1982); *Rice* v. *Santa Fe Elevator Corp.,* 331 U.S. 218, 230 (1947). If Congress has not entirely displaced state regulation over the matter in question, state law is still pre-empted to the extent it actually conflicts with federal law, that is, when it is impossible to comply with both state and federal law, *Florida Lime & Avocado Growers, Inc.* v. *Paul,* 373 U.S. 132, 142-143 (1963), or where the state law stands as an obstacle to the accomplishment of the full purposes and objectives of Congress, *Hines* v. *Davidowitz,* 312 U.S. 52, 67 (1941)."

In *Silkwood,* Kerr-Mcgee argued that Oklahoma was prohibited from allowing for the imposition of punitive damages on the operator of a nuclear power facility because the federal government had, by the stated terms of its statutory scheme, asserted exclusive regulatory

authority over nuclear power plants. The Court disagreed. It found that while the federal government did, in fact, have *stated* exclusive regulatory authority over nuclear facilities, that did not preclude Oklahoma from allowing the imposition of punitive damages on claims arising from injuries suffered by its citizens at the hands of the operators of such facilities. The federal government occupied the field of nuclear regulation, but not the field of damages arising from the management of nuclear facilities.

Likewise, herein, the federal government has occupied the field of marine mammal protection, but not the field of the management land where marine mammals might rest. The Marine Mammals Protection Act simply does not and cannot have preemptive impact on the exercise of discretionary City land management.

3. **State Sovereignty and Federal Power**.

As we have seen, preemption can occur only if Congress acts in an area in which it has the delegated authority to do so. *New York State Dept. of Social Services v. Dublino* 413 U.S. 405, 413 (1973); *Schwartz* v. *Texas*, 344 U.S. 199, 202-203 (1952). Accordingly, if Congress has no authority to act in an area of law, its enactment cannot have preemptive impact. *Id.* What has the City of San Diego done in this instance? It has exercised its plenary and exclusive authority to manage land it owns. Its ordinance is directed to one object and one object only: the closure of land it owns and the exclusion of human traffic during a defined, discrete time of year. What prompted the City's decision to enact the ordinance at issue herein is wholly irrelevant, just as California's Supreme Court found in *Higgins v. Santa Monica* (1964) 62 Cal.2d 24. If it was within its

authority to act, it is permissible and cannot be overturned, absent an abuse of discretion.

The result might be different, if the City did not own the property in question and would unquestionably be different if the federal government did so. But, as we have seen, not only does the federal government not own the land in question, it has no authority over the land in question because that land was ceded to California's exclusive ownership on statehood as a matter of Constitutional law. That grant was reaffirmed in the *Federal Submerged Lands Act*, 67 Stat. 29, 43 U. S. C. § 1301 *et seq.* The federal government has no power delegated to it under the Constitution of the United States to manage, control or make rules regarding land it does not own and that is owned by a municipality through the state in which it rests. *United States* v. *California,* 332 U. S. 19 (1947); *Fort Leavenworth R. Co. v. Lowe* 114 U.S. 525, 531, 5 S.Ct. 995 (1885); *Shively v.* Bowlby, 152 U.S. 1 (1892). The federal government certainly has no jurisdiction or the power to exclude or to order the State or City to allow access to land belonging to the City.

This is an issue of Constitutional moment and the right to own and manage the land in question rests only and solely with the City and State, to the exclusion of the federal government.

4. **Federal Purposes in the Marine Mammals Protection Act**.

Congress very carefully defined the purposes for which it adopted the *Marine Mammals Protection Act* at 13 U.S.C. 1362 ("Act") Section 2, quoted extensively hereinabove. Conspicuously absent from the provisions of the Act is any reference to the management of lands belonging to coastal states or municipalities. In

fact, the Act makes specific reference to the lands that *are* within the jurisdiction of the United States and subject to the Act at Section 3, Article 15 of the Act:

> (15) The term "waters under the jurisdiction of the United States" means— (A) the territorial sea of the United States; (B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the other boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;

The "territorial sea of the United States" is defined in the 1982 United Nations Convention on the Law of the Sea and it begins at the "low water mark" of any coastal state and extends twelve miles into the ocean. Reference to the "seaward boundary" in the Act means that its jurisdiction begins *after* the tidelands – *seaward* of the low water mark – that Constitutionally specifically belong either to the State of California or, in this instance, to the City of San Diego. In other words, the Act itself limits federal jurisdiction to land beyond the low water mark and, by exclusion, specifically precludes its jurisdiction over the land at issue herein.

As we have seen, as well, under the *Federal Submerged Lands Act*, supra, the land under the coastal strips of the United States belong exclusively to the several coastal states for a distance of three miles.

What is clear from the Act is that the statutory scheme represented by the Marine Mammals Protection Act on which the court below based its decision, is not directed toward the land management of tidelands - the *landward* side of the low water mark – that belong to the City, in this instance. So, the Act cannot preempt

San Diego's discretionary management of its own land because the Act itself is not directed toward that management and makes no reference to it.

The Act is solely directed to the preservation, protection and increase in population of marine mammals and not the land on which they may come to rest.

5. **The City's Ordinance Does Not Conflict With Federal Law.**

The second error made by the court below, therefore, was in finding that the Marine Mammals Protection Act, by its terms, preempted land management authority legitimately – *and Constitutionally* – belonging to the City of San Diego. It does not.

The Act's clear purpose is to protect marine mammal populations and, on that score, it would have preemptive force if the City or the State were to have enacted ordinances or statutes purporting to regulate the taking of marine mammals that conflicted in some way with the Act.

So, while San Diego's ordinance refers to harbor seals, its object is not directed to their taking but, rather, to the City's exclusive right to manage its own land and to exclude the public from land it inarguably owns. There is no conflict between the ordinance and the Marine Mammals Protection Act. Both can simultaneously be obeyed.

It is possible, even, probable, that the City's ordinance retards the harassment and molestation of the harbor seals that rest on its property to give birth. But precluding human traffic from its proprietary land is within the City's sole municipal discretion. Perhaps it advances the federal purposes set forth in the Act by preventing people from entering the land and "taking", in the broad

sense, the seals. But that is not the same as offering a regulation that purports to act in an area of exclusive federal jurisdiction. And the ordinance, standing alone, does nothing to interfere with the federal scheme, as it must to be subject to preemption under *S.J. Groves &Sons Co. v. Fulton County* (1991) 920 F.2d 752, 763; *Silkwood v. Kerr-Mcgee Corp.* 464 U.S. 238 (1984); *Florida Lime & Avocado Growers, Inc.* v. *Paul*, 373 U.S. 132, 142-143 (1963) and *Brockett v. Spokane Arcades, Inc.* 472 U.S. 491, 502 (1985).

Indeed, there is a sound argument to be made that the City's *failure* to enact the ordinance it has would interfere with the federal purposes of the Act by encouraging, aiding and abetting the "taking" of marine mammals by members of the public. Certainly, the harassment or molestation of the seals by human beings is entirely predictable, inasmuch as it has demonstrably occurred. Failure to act can be as blameworthy as acting recklessly, when the harm can reasonably be anticipated. Perhaps the reason the federal government did not request that San Diego enact such an ordinance is that, as we have seen, it has neither the power nor the jurisdiction to compel the City or State to take any action with respect to land that belongs to the City and over which it and the State have exclusive control, jurisdiction and authority. It is also significant that the federal government has not sought to intervene in this case. If it felts its interests were in jeopardy or its exclusive authority challenged because of the ordinance at issue herein, surely it would have done so.

6. **It Is Possible To Comply Both With the Act and With the Ordinance.**

We underscore that in order for federal law to have a preemptive impact on state or local law, complying with both must not be possible. *Florida Lime & Avocado Growers, Inc. v. Paul* 373 U.S. 132, 142-143. In the instant matter, it is entirely possible for both statutory schemes to coexist without impingement on one another. On the one hand, the Act does not purport to regulate land, only the taking of marine mammals. To the extent land is mentioned in the Act, it is land beyond the boundary of the land at issue herein. On the other hand, the ordinance simply purports to manage municipal land by excluding human traffic from a parcel of the City's land for a portion of each year; something coastal municipalities regularly do when beaches become dangerously polluted. The exclusion of human traffic from City-owned land does not conflict either with the goals or purposes of the Act. The Act does not purport to manage land or to preclude municipalities from regulating land under their ownership or jurisdiction. The two legislative schemes address completely different areas of exclusive jurisdiction. They simply do not conflict.

Both governmental entities and the general public can entirely comply with the law of each without conflict or impingement on the prerogatives of the other. Accordingly, the Act simply does not, in any way, preempt the City's ordinance with its exclusion of human traffic from its own land.

CONCLUSION

The decision of the court below was unusual on many levels. It was based, first, on the unconstitutional assumption that the City requires federal permission to close its beaches. It does not. It holds, without authority, that discretionary land management is preempted by an Act that does not address management of the category of land at issue herein. It takes the position that the City's wholly discretionary action that has the effect of precluding human traffic from its land at a time during which seals are giving birth and nurturing their young on that land constitutes an interference with the goals of an Act the purpose of which is to protect those seals and prevent their "taking"; including their harassment and molestation.

The court was wrong on all scores. California, and, through it, San Diego, have exclusive plenary authority over the land in question, as a matter of Constitutional law. The federal government has neither the power nor the jurisdiction to invade that constitutionally protected authority. The Act does not occupy the field of municipal land management or the management of municipal assets, the exclusive purview of the City of San Diego and the State of California. The ordinance interferes with none of the Act's stated goals.

It is possible to obey both bodies of law and preemption is disfavored and, in fact, unavailable, when that is true.

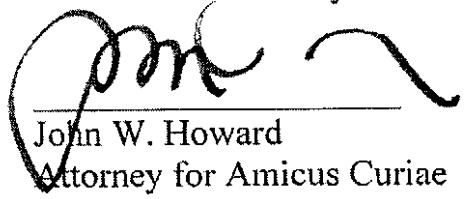
For all of these reasons, the Seal Conservancy urges this Court to reverse the court below and remand this case with directions to

vacate its order and overrule the Respondent's petition.

Dated: January 11, 2017

Respectfully submitted,

JW Howard/~~Attorneys~~.

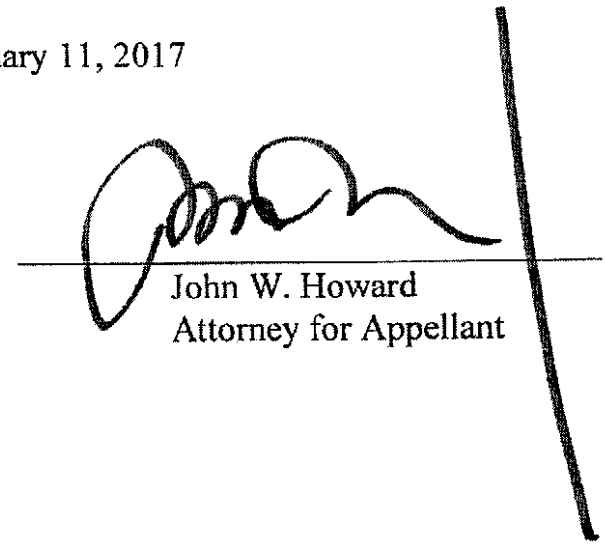


John W. Howard
Attorney for Amicus Curiae
The Seal Conservancy

CERTIFICATE OF WORD COUNT

I certify that the foregoing brief complies with the California Rules of Court, and contains 9,681 (nine thousand six hundred eighty-one) words according to the word count feature of Microsoft Word, the computer program used to prepare the brief.

DATED: January 11, 2017



John W. Howard
Attorney for Appellant

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Case Name: Friends of the Children's Pool v. City of San Diego, et al.

Court of Appeal Case Number: G053709

Superior Court Case Number: 30-2015-00778153

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            Law Office of Bernard F. King III, APC
            4747 Executive Drive, Suite 700
            San Diego, California 92121

         (b) Person served:

            (i) Name: Jenny K. Goodman

            (ii) Address:
            Office of the San Diego City Attorney
            1200 3rd Avenue, Suite 1100
            San Diego, California 92101

         (c) Person served:

            (i) Name: Christine Bull Arndt, Baine P Kerr, California Coastal Commission

            (ii) Address:
            Office of Attorney General
            300 Spring Street, Suite 1702
            Los Angeles, California 90013-1204

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(b) Address where delivered:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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Clara H. Castañeda
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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

FRIENDS OF THE CHILDREN'S POOL, Plaintiff and Respondent, v. CITY OF SAN DIEGO et al., Defendants and Appellants.	G053709, G053725 (Super. Ct. No. 30-2015-00778153) O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Frederick Paul Horn, Judge. Request for judicial notice granted. Judgment reversed.

Mara W. Elliott, City Attorney, David J. Karlin and George F. Schaefer, Assistant City Attorneys and Jenny K. Goodman, Deputy City Attorney, for Defendant and Appellant City of San Diego.

Kathleen A. Kenealy, Acting Attorney General, Xavier Becerra, Attorney General, John A. Saurenman, Assistant Attorney General, Andrew M. Vogel, Jennifer W.

Rosenfeld and Baine P. Kerr, Deputy Attorneys General, for Defendant and Appellant California Coastal Commission.

JW Howard/Attorneys and John W. Howard for The Seal Conservancy as Amicus Curiae on behalf of Defendants and Appellants.

Law Offices of Bernard F. King III and Bernard F. King III for Plaintiff and Respondent.

* * *

This appeal concerns regulation of access to a seal rookery located at Children's Pool Beach in San Diego County. Children's Pool Beach is public trust land granted by the State of California to defendant City of San Diego (City). During several months of the year seals reside on the beach to breed, give birth, and nurse and wean seal pups.

Since the late 1990's to early 2000's disputes have arisen between people who want the seals removed and people who want to protect Children's Pool Beach for the seals. This has led to numerous calls to police to control violence. In addition, often visitors to Children's Pool Beach, either negligently or intentionally, disturbed the seals. Such disturbances can result in a variety of negative consequences, including abandonment of pups, premature births or abortions, and stampeding adults that kill pups. Further, when disturbed seals nipped at humans.

City introduced a variety of measures to attempt to mitigate against these problems. Ultimately, with the approval of defendant California Coastal Commission (Commission; collectively with City, defendants), City enacted an ordinance (Ordinance) closing access to Children's Pool Beach for five-and-a-half months a year during pupping season. Subsequently Commission issued a permit allowing that action.

Plaintiff Friends of the Children's Pool (plaintiff) filed an action for a writ of mandate to overturn the Ordinance claiming it violated the California Constitution and Coastal Act (Pub. Resources Code, § 30000 et seq.; Coastal Act; all further statutory

references are to this code unless otherwise stated) and the Marine Mammal Protection Act (16 U.S.C. § 1361 et seq.; MMPA). The trial court set aside the Ordinance, finding it was preempted by the provisions of the MMPA and violated the Coastal Act.

Defendants appeal, arguing the Ordinance is not expressly preempted by the MMPA nor is it preempted by field preemption or conflict preemption. It is a land use regulation authorized by the state police power. They further contend the Ordinance was allowed by and does not violate the Coastal Act. We agree with defendants and reverse the judgment, concluding there is substantial evidence to support defendants' actions.

We grant Commission's unopposed request for judicial notice of a report from the United States House of Representatives, which is part of the legislative history of the MMPA and relevant to the issues on appeal.

FACTS AND PROCEDURAL HISTORY

Children's Pool is located in a cove in La Jolla bordering on the .07 acre Children's Pool Beach.[1] There are several other nearby beaches, accessible to the public, surrounding Children's Pool Beach. In 1931 a curved breakwater was constructed around the cove to protect it from waves. Since that time Children's Pool Beach has been used for swimming, diving, sunbathing, and fishing.

In 1931 the State of California granted the Children's Pool Beach to City in trust to be "devoted exclusively to public park, bathing pool for children, parkway, highway, playground and recreational purposes, and to such other uses as may be incident to, or convenient for the full enjoyment of such purposes." (Stats. 1931, ch. 937, §1; Trust.)

Although there were probably harbor seals at Children's Pool Beach even before the breakwater was constructed, beginning in the early 1990's seals regularly

[1] Reference to Children's Pool Beach will include Children's Pool where applicable.

began to "haul out" onto the Children's Pool Beach, establishing a rookery. A rookery is where seals breed. Hauling out describes seals leaving the water for a variety of essential activities, including sleep, rest, giving birth, and nursing and weaning pups. Haul out sites are essential for seals to engage in these activities. Seals need the most protection from harassment during the final months of pregnancy until weaning. Pups are generally born in early to mid-January and weaning, which lasts four to seven weeks, is completed by the end of May. When pups are present mother seals are more aggressive. During pupping season there are more seals on Children's Pool Beach and they remain there for longer periods of time than other times during the year

When interaction with humans disturbs seals they "flush" into the water, thereby losing the benefits of hauling out. Flushing is particularly harmful during pupping season. If mothers and pups do not bond for a sufficient period they may not recognize each other if separated, causing the mother to abandon the pup leading to its likely death. In addition flushing can cause a female to abort a fetus or give birth prematurely. When pups are on the beach, stampeding adult seals can kill them.

The haul out area and rookery at Children's Pool Beach is unique because it is located in an urban area and accessible by the public. This has resulted in unwanted contact between humans and seals with seals subject to disturbance and humans "at risk from defensive seal bites and nips when people attempt to interact too closely with the seals." There have been almost 150 "flush events" caused by human presence at Children's Pool Beach.

This situation created a dispute between people who wanted the seals removed to give the public unfettered access to Children's Pool Beach and those who wanted to protect Children's Pool Beach for the seals.

In 2005 a private citizen obtained a judgment ordering City to use "all reasonable means to restore the Pool to its 1941 condition by removing the sand build-up" and clean the Children's Pool Beach so the water was safe for humans. Effective

2010 the Legislature amended the Trust (Trust Amendment) to add an additional use of the Children's Pool Beach for a "marine mammal park for the enjoyment and educational benefit of children." The judgment was then vacated.

The National Marine Fisheries Service (NMFS)[2] approved of the Trust Amendment because it gave City "greater latitude in implementing management actions regarding the harbor seal colony" at Children's Pool Beach. NMFS considers Children's Pool Beach to be a seal rookery and year-round haul-out site.

In an attempt to manage the ongoing dispute, in 2006 City installed a rope barrier just up from the mean high tide line during pupping season, December to May. One end was open to allow access to Children's Pool Beach. Signs were also erected directing the public to remain at a safe distance away from the hauled out seals.

In 2007 the NOAA's Office of Law Enforcement (OLE) sent a letter to City stating it "continue[d] to receive" reports of seal harassment and was concerned harassment would be ongoing. Although it noted the rope barrier gave some level of better protection for the seals and informed people to respect them, it had not deterred the "determined' individual(s) from approaching the seals." Therefore it "strongly recommend[ed]" City close the Children's Pool Beach from "December 15 through May 30." "[C]losing the beach would make a safer environment for the nursing seals." OLE stated it "look[ed] forward to a continued opportunity to work with [City] in assisting [it] achieving [its] goals as well as protecting the animals and citizens of our community."

Between February 2009 and January 2010 police responded 184 times to incidents at Children's Pool Beach, including 37 disturbing the peace calls and four reports of battery. In order to address public safety issues, in 2010 City adopted a Seasonal Shared Use Policy (Policy) containing five elements: 1) establishing a year-

[2] The NMFS, under the auspices of the Department of Commerce and its subagency, the National Oceanic and Atmospheric Administration (NOAA), is the agency responsible for implementing and enforcing the MMPA.

round rope barrier; 2) erecting clear signs to explain the rules; 3) prohibiting dogs; 4) hiring a full-time lifeguard or ranger; and 5) prohibiting public access to the Children's Pool Beach during pupping season, December 15 through May 15 (Closure).

The NMFS supported a year-round rope barrier but acknowledged it did "not guarantee that a person will not violate the MMPA." It also supported the prohibition on public access during pupping season, noting this was the most crucial time to protect seals. The NMFS stated that even traffic noise, slamming car doors, and people laughing and shouting disturbed the seals. The presence of people at Children's Pool Beach close to the hauled out seals or at the edge of the water usually caused "large numbers of seals [to] flush[]." The NMFS also had reports of premature seal births and abortions at Children's Pool Beach.

The NMFS opined that although it had enforcement authority under the MMPA and despite the MMPA's preemption provision, "States and local governments are free to implement and enforce ordinances, such as the closure of a beach, which may have a side benefit of preventing the harassment of a marine mammal."

Over the next few years City implemented only the first four elements of the Policy and did not close access during pupping season. However, this did not resolve the human conflicts or the harassment of seals. A "Seal Cam" showed several incidents of harassment, some of which were intentional. Video footage revealed people crossing the rope barrier and harassing the seals. There were more than 250 flushing incidents in a 12-month period in 2013-2014, many during pupping season.

There was continuing conflict between people seeking access to the Children's Pool Beach and people defending the seals, including numerous demonstrations. Often people encouraged others to ignore the rope barriers. Lifeguards and park rangers were routinely required to intervene, thereby diverting them from duties to protect and save swimmers.

City then determined it was necessary to implement the Closure included in the Policy adopted in 2010. This would protect seals during pupping season, and reduce enforcement activity by park rangers and lifeguards as well as police calls. With the Closure the breakwater would still be open to the public year-round without restrictions, allowing for fishing, walking, viewing seals, and scientific observation. There are numerous nearby beaches, some within walking distance, available for swimming and sunbathing during the Closure.

The NMFS commented on the proposed Closure, observing its prior efforts in giving guidance on MMPA compliance had "not helped to diminish the human conflict that persists between various groups at Children's Pool Beach." It noted the "ideal solution" was shared use. The NMFS did not believe a complete closure of Children's Pool Beach was necessary and encouraged more education and outreach. It also pointed out the preemption provision in the MMPA. But the NMFS did not prohibit Closure.

After numerous public hearings and an extensive public comment period generating hundreds of letters on both sides of the issue, in 2014 City adopted the Ordinance. It amended City's Municipal Code section 63.0102 to effect the Closure, banning public access to Children's Pool Beach during pupping season from December 15 to May 15. Concurrently City amended the Local Coastal Program (LCP; LCP Amendment) to prohibit public access to the Children's Pool Beach during pupping season, December 15 through May 15. Implementation of the Ordinance and the LCP Amendment were expressly conditioned on certification by Commission.

City then submitted to Commission for approval the LCP Amendment and an application for a coastal development permit (Permit) to close Children's Pool Beach from December 15 to May 15 each year. After Commission held public hearings it unanimously approved the LCP Amendment and the Permit. The Permit was issued for a five-year period subject to application for another permit and required a monitoring plan

to evaluate the efficacy of the Closure and signage. Implementation of the Ordinance closing Children's Pool Beach began December 15, 2015.

Plaintiff filed a petition for a writ of administrative mandamus, alleging the Ordinance violated the California Constitution and the Coastal Act and was preempted by the MMPA. It sought to have the Ordinance set aside and to enjoin defendants from enforcing it.

Using an independent judgment standard, the court granted plaintiff's petition and issued a writ of mandate ordering City and state to set aside the Ordinance and enjoining its enforcement. In the statement of decision the court found the actions of City and state were preempted by the MMPA and violated the Coastal Act. It also found City had not obtained permission of the Secretary of Commerce (Secretary) for authority to enact the Ordinance nor had Commission obtained permission to issue the Permit allowing City to enact the Ordinance.

Further, the court found City and Commission were required to follow the Administrative Procedures Act (15 U.S.C. § 551 et seq.; APA). It held the authority of City and Commission "over the beach, the people allowed access to the beach and the harbor seals exists only if the Secretary grants authority to [them] to manage the property and, in this instance, protect the harbor seals." The court found such authority had not been given to City or Commission.

DISCUSSION

1. Standard of Review

Under Code of Civil Procedure section 1094.5, subdivision (b), trial court review of an administrative decision must consider whether the agency acted within its jurisdiction, whether the hearing was fair, and whether there was prejudicial abuse of discretion. Abuse of discretion is shown if the agency did not proceed in the legally

required manner, the findings do not support the decision, or the evidence does not support the findings.[3] (*Ibid*.)

On appeal, we use the same standard of review, determining whether the agency proceeded according to law, whether the findings are supported by substantial evidence, and whether the findings support the decision. (*Hoitt v. Dept. of Rehabilitation* (2012) 207 Cal.App.4th 513, 521.) We do not review the decision of the trial court. (*Jefferson Street Ventures, LLC v. City of Indio* (2015) 236 Cal.App.4th 1175, 1197.) Although we engage in "'"some weighing to fairly estimate the worth of the evidence,"'" we do not conduct an independent review or substitute our findings or inferences in place of those of the agency. (*Sustainability, Parks, Recycling & Wildlife Legal Defense Fund v. San Francisco Bay Conservation & Development Com.* (2014) 226 Cal.App.4th 905, 916.) We may reverse only if a reasonable person could not have come to the same conclusion as did the agency. (*Ibid*.)

We presume the findings and actions of the agency are supported by substantial evidence. (*Bay Area Citizens v. Association of Bay Area Governments* (2016) 248 Cal.App.4th 966, 998.) Plaintiff has the burden to show lack of substantial evidence. (*Ibid*.) Substantial evidence includes expert opinions, staff reports, testimony at public hearings, photographs, and the like. (*Whaler's Village Club v. California Coastal Com*. (1985) 173 Cal.App.3d 240, 261; *City of Chula Vista v. Superior Court* (1982) 133 Cal.App.3d 472, 491.)

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[3] The trial court incorrectly used an independent judgment standard in reviewing City's enactment of the Ordinance and Commission's issuance of the Permit. This standard applies only when fundamental vested rights are affected, not the case here. (*HPT IHG-2 Properties Trust v. City of Anaheim* (2015) 243 Cal.App.4th 188, 198.) Despite the trial court's use of an incorrect standard, we may review the administrative findings using the correct substantial evidence test without remanding the case back to the trial court. (*Ogundare v. Department of Industrial Relations* (2013) 214 Cal.App.4th 822, 829.)

We interpret statutes de novo. (*Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2010) 184 Cal.App.4th 1032, 1040-1041.) In connection with our interpretation we give deference to an agency's construction of its governing statutes and regulations. (*Harrington v. City of Davis* (2017) 16 Cal.App.5th 420, 434-435.)

On undisputed facts we review the question of preemption de novo as well. (*Cellphone Termination Fee Cases* (2011) 193 Cal.App.4th 298, 311.) Any factual determinations underlying a preemption question are reviewed under the substantial evidence standard. (*Ibid*.) There were no factual determinations made in connection with the preemption question.

2. The MMPA

The MMPA embodies a comprehensive federal plan to protect marine mammals and maintain them at the "optimum sustainable population." (16 U.S.C. § 1361(2), (6).) The MMPA directs that "efforts should be made to protect essential habitats, including the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from the adverse effect of man's actions." (16 U.S.C. § 1361(2).) "[T]he primary objective of their management should be to maintain the health and stability of the marine ecosystem." (16 U.S.C. § 1361(6).)

The MMPA bans the "taking" of marine mammals, including harbor seals. (16 U.S.C. §§ 1362(6); 1372(a); *People of Togiak v. United States* (D.D.C. 1979) 470 F.Supp. 423, 428 & fn. 11.) "Take" is defined as "harass, hunt, capture, or kill, or attempt to harass, hunt, capture or kill any marine mammal." (16 U.S.C. § 1362(13).) Harassment is as "any act of pursuit, torment, or annoyance which- [¶] (i) has the potential to injure a marine mammal . . . ; or [¶] (ii) has the potential to disturb a marine mammal . . . by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering." (16 U.S.C. § 1362(18)(A).)

Under the MMPA, "No State may enforce, or attempt to enforce, any State law or regulation relating to the taking of any species . . . of marine mammal within the State unless the Secretary has transferred authority for the conservation and management of that species . . . to the State . . . ." (16 U.S.C. § 1379(a).)

3. No MMPA Preemption

The court held the MMPA preempted the Closure because it "related to" the taking of seals under Title 16 United States Code section 1379(a). We disagree.

a. Federal Preemption Principles

The Supremacy Clause of the United States Constitution states federal law is the "supreme Law of the Land" (U.S. Const., art. VI, cl. 2) and gives Congress the authority to preempt state law (*Arizona v. United States* (2012) 567 U.S 387, 399). But there is "a strong presumption against preemption." (*Farm Raised Salmon Cases* (2008) 42 Cal.4th 1077, 1088.) "'In all pre-emption cases, and particularly in those in which Congress has "legislated . . . in a field which the States have traditionally occupied," [citation] we "start with the assumption that the historic police powers of the States were not to be superseded by the Federal Act unless that was the clear and manifest purpose of Congress." [Citations.]' [Citations.] We apply this presumption to the *existence* as well as the *scope* of preemption. [Citation.]" (*Ibid*.)

"State action may be foreclosed by express language in a congressional enactment, [citation], by implication from the depth and breadth of a congressional scheme that occupies the legislative field, [citation], or by implication because of a conflict with a congressional enactment, [citation]." (*Lorillard Tobacco Co. v. Reilly* (2001) 533 U.S. 525, 541.)

"'"[C]ourts are reluctant to infer preemption, and it is the burden of the party claiming that Congress intended to preempt state law to prove it."'" (*Viva! Internat. Voice For Animals v. Adidas Promotional Retail Operations, Inc.* (2007) 41 Cal.4th 929, 936.) "'[W]hen the text of a pre-emption clause is susceptible of more than

one plausible reading, courts ordinarily "accept the reading that disfavors pre-emption."'" (*CTS Corp v. Waldburger* (2014) __ U.S. __, __ [134 S.Ct. 2175, 2188].)

b. Public Trust Principles

When California was admitted to the Union, it acquired its tidelands held "in trust for public purposes"[4] as part of its sovereignty. (*City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 482; § 6009, subd. (a).) "The power of the state to control, regulate and utilize its navigable waterways and the lands lying beneath them, when acting within the terms of the trust, is absolute . . . ." (*Marks v. Whitney, supra,* 6 Cal.3d at p. 260.) The Legislature has the power to grant tidelands to local governments, subject to the public trust. (§§ 6009, subds. (a) & (d), 6305; *Zack's, Inc. v. City of Sausalito* (2008) 165 Cal.App.4th 1163, 1187, fn. 14.)

c. No Express Preemption

Relying on the language of Title 16 United States Code section 1379(a), plaintiff claims the MMPA expressly preempts the Closure.[5] That section states: "No State may enforce, or attempt to enforce, any State law or regulation relating to the taking of any species . . . of marine mammal within the State unless the Secretary has transferred authority for the conservation and management of that species . . . to the State . . . ." (16 U.S.C. § 1379(a).) Plaintiff argues the MMPA gives the federal government "exclusive jurisdiction over the conservation and management of marine mammals." (*Florida Marine Contractors v. Williams* (M.D.Fla. 2005) 378 F.Supp.2d 1353, 1357.)

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[4] Public purposes include bathing, swimming, and preservation of wildlife and its habitats. (*Marks v. Whitney* (1971) 6 Cal.3d 251, 259, 260.)

[5] Plaintiff argues the trial court's finding the Closure "relates to" harassment of seals is supported by substantial evidence. As discussed above this is not the correct standard of review. We do not review the trial court's decision (*Jefferson Street Ventures, LLC v. City of Indio, supra,* 236 Cal.App.4th at p. 1197) but rather the decisions of City and Commission (*Hoitt v. Dept. of Rehabilitation, supra,* 207 Cal.App.4th at p. 521).

Pointing to the definition of "take" (16 U.S.C. § 1362(13)), which applies to an intentional or negligent act of harassment, plaintiff contends the harassment of seals on Children's Pool Beach leading to flushing is a taking under the MMPA. From this it concludes the language of Title 16 United States Code section 1379(a) plainly shows Congress's intent to preempt any laws relating to the harassment of seals. Plaintiff argues that because the Ordinance "has a connection with or reference to the harassment of harbor seals," it is preempted. We are not persuaded.

1) "Relating To"

We understand the United States Supreme Court has recognized "'relate to' in a preemption clause 'express[es] a broad pre-emptive purpose.'" (*Coventry Health Care of Missouri, Inc. v. Nevils* (2017) __ U.S. __, __ [137 S.Ct. 1190, 1197].) "Congress characteristically employs the phrase to reach any subject that has 'a connection with, or reference to,' the topics the statute enumerates. (*Id*. at p. __ [137 S.Ct. at p. 1197].)

"At the same time, [the Court has held], the breadth of the words 'related to' does not mean the sky is the limit. [It has] refused to read the preemption clause of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1144(a) [(ERISA)], which supersedes state laws 'relate[d] to any employee benefit plan,' with an 'uncritical literalism,' else 'for all practical purposes pre-emption would never run its course.'" (*Dan's City Used Cars, Inc. v. Pelkey* (2013) 569 U.S. 251, 260; accord *Gobeille v. Liberty Mut. Ins. Co.* (2016) __ U.S. __, __ [136 S.Ct. 936, 943] (*Gobeille*).)[6]

"[A]pplying the "relate to" provision according to its terms was a project doomed to failure, since, as many a curbstone philosopher has observed, everything is related to everything else." (*Labor Standards Enforcement v. Dillingham Const., N.A., Inc.* (1997) 519 U.S. 316, 335 (*Dillingham*) (conc. opn. of Scalia, J.) [discussing ERISA

[6] There is a dearth of authority interpreting "relating to" in the MMPA. Hence we turn to analogous case law.

preemption].) This is a result "no sensible person could have intended." (*Gobeille*, *supra*, __ U.S. at p. __ [136 S.Ct. at p. 943], quoting *Dillingham, supra*, 519 U.S. at p. 336 (conc. opn. of Scalia, J.).)

According to Justice Scalia, "it would greatly assist our function of clarifying the law if we simply acknowledged that our first take on this [ERISA] statute was wrong; that the 'relate to' clause of the pre-emption provision is meant, not to set forth a test for pre-emption, but rather to identify the field in which ordinary field pre-emption applies." (*Dillingham, supra*, 519 U.S. at p. 336 (conc. opn. of Scalia, J., italics omitted.)

In *Gobeille*, *supra*, __ U.S. __ [136 S.Ct. 936], the court considered the breadth of "relate to," noting there were only two categories of state laws preempted by ERISA: 1) "'[w]here a State's law acts immediately and exclusively upon ERISA plans . . . or where the existence of ERISA plans is essential to the law's operation'"; and 2) whether the "state law . . . has an impermissible 'connection with' ERISA plans, meaning a state law that 'governs . . . a central matter of plan administration' or 'interferes with nationally uniform plan administration.'" (*Id*. at p. __ [136 S.Ct. at p. 943].) This ensured the preemption provision of the statute was honored "while avoiding the clause's susceptibility to limitless application." (*Id*. at p. __ [136 S.Ct. at p. 943].)

Thus, a state law that has only an "indirect, remote, or tenuous effect" on the federal statute is not expressly preempted. (*Californians for Safe & Competitive Dump Truck Transportation v. Mendonca* (9th Cir. 1998) 152 F.3d 1184, 1189 (*Mendonca*) [state prevailing wage law not preempted by federal statute barring state from enacting law related to "price, route, or service of any motor carrier"].)

In deciding whether express preemption applies we consider the MMPA's "text, context, and purpose." (*Coventry Health Care of Missouri, Inc. v. Nevils* (2017) __ U.S. __, __ [137 S.Ct. 1190, 1197].) Nothing in the MMPA, and specifically in Title 16 United States Code section 1379(a), manifests an express congressional intent to preempt

the state's ability to exercise its police powers to regulate access to its own property. (*Farm Raised Salmon Cases, supra,* 42 Cal.4th at p. 1088.) The Ordinance does not govern a central matter of the statute or interfere with nationally uniform management of seals. (*Gobeille*, *supra*, __ U.S. at p. __ [136 S.Ct. at p. 943].) It is not directed to conservation or taking of seals. Rather, it is a land use regulation, which falls within a traditional state police power.

In issuing the Permit, Commission was exercising the state's police power reserved to it by the Tenth Amendment to the United States Constitution. (*Nollan v. Coastal Com.* (1987) 483 U.S. 825, 836 [Commission's regulation of coastal development exercise of police power]; *Equal Employment Opportunity Commission v. Wyoming* (1983) 460 U.S. 226, 239 [management of state park "traditional state function"].) When City adopted the Ordinance it was also exercising its police power. (*Big Creek Lumber Co. v. County of Santa Cruz* (2006) 38 Cal.4th 1139, 1151 [land use regulation exercise of police power].)

State v. Arnariak (Alaska 1997) 941 P.2d 154 (*Arnariak*), while not binding on us, is instructive. In that case after the Arnariaks were charged with entering a state game sanctuary without a permit, they challenged the regulation on which the charges were based, arguing it was preempted by the MMPA and specifically Title 16 United States Code section 1379(a). The Alaska Supreme Court found no preemption, stating that to do so would require the conclusion that Congress "intended to preclude the State from barring entry onto state property." (*Arnariak* at p. 156.) Instead, reiterating the principle that regulating state lands is an exercise of state police power (*id*. at p. 158), it concluded the "State has the right to exclude entry onto its property and the right to prohibit certain activities from being conducted thereon" (*id.* at p. 156).

Arnariak acknowledged "'relating to'" language in other federal statutes had sometimes been construed "to suggest a broad scale preemption." (*Arnariak, supra,* 941 P.2d at p. 158.) But the *Arnariak* court concluded "at most[it] is merely one guide

to the meaning or intended scope of an enactment; it does not necessarily control where there is evidence that another meaning was intended, or where other rules of construction are also applicable. Here the legislative history, the purpose of MMPA, and the rule that statutes should be construed to avoid an unconstitutional result persuasively indicate that MMPA's preemption is not so broad as to prevent the State from limiting access to . . . state wildlife refuges." (*Arnariak,* at p. 158.)

In so holding, the *Arnariak* court relied on the MMPA's legislative history, pointing to the report of the House Committee on Merchant Marine and Fisheries (House Report), which stated, "'It is not the intention of this Committee to foreclose effective state programs and protective measures such as sanctuaries." (*Arnariak, supra,* 941 P.2d at p. 157, citing H.R. Rep. No. 92-707, at p. 28 (1971) reprinted in 1972 U.S. Code Cong. & Admin. News, at pp. 4144, 4161, italics omitted.) The court also noted another portion of the report which stated, "'There is no intention or desire within the Committee to remove any incentive from the states . . . to protect animals residing within their jurisdictions.'" (*Arnariak*, at p. 161, citing H.R. Rep. No. 92-707, at p. 18 (1971) reprinted in 1972 U.S. Code Cong. & Admin. News, at pp. 4144, 4151.)

In our case, plaintiff challenges reliance on the House Report, asserting it refers to a provision in the House bill that was not in the final version of the statute. Plaintiff argues we should look instead to the conference report (Conference Report) discussing the final version, which stated, "The House bill preempted State law, but allowed cooperative agreements with the States in harmony with the purposes of the Act. The Senate amendment allowed the Secretary to review State laws and to accept those that are consistent with the policy and purpose of the Act. The conference substitute clarifies the Senate version to assure that the Secretary's determination will control as to whether or not the State laws are in compliance. Once granted authority to implement its laws relating to marine mammals, the State concerned may issue permits, handle enforcement, and engage in research." (Conf. Rep. No 92-1488 (1971) reprinted in 1972

U.S. Code Cong. & Admin. News, at pp. 4187, 4188; <https://www.govinfo.gov/content/pkg/GPO-CRECB-1972-pt25/pdf/GPO-CRECB-1972-pt25-5-2.pdf.> [as of May 30, 2018].)

Although it is true the adopted version of Title 16 United States Code section 1379 differed from the one discussed in the House Report, the House Report remains relevant to show the intent of the MMPA is to protect marine mammals. Additionally, the Conference Report shows the MMPA was not intended to preempt land use regulations. In delineating what authority could be transferred to states, the MMPA did not include regulating access to state lands but dealt only with issuing permits, enforcing the MMPA, and scientific research. (Conf. Rep. No 92-1488 (1971) reprinted in 1972 U.S. Code Cong. & Admin. News, at pp. 4187, 4188; <https://www.govinfo.gov/content/pkg/GPO-CRECB-1972-pt25/pdf/GPO-CRECB-1972-pt25-5-2.pdf.> [as of May 30, 2018]; *Mt. Hawley Ins. Co. v. Lopez* (2013) 215 Cal.App.4th 1385, 1401 [review of committee reports to show legislative intent].)

The Ordinance does not purport to control any of those activities. As City and Commission explain, they are not attempting to manage the seals but to manage the public safety and the access of people to the state-owned property.

Plaintiff cites *UFO Chuting v. Young* (D. Hawaii 2004) 327 F.Supp.2d 1220 (*UFO Chuting 1*) to support its argument "relating to" should be broadly interpreted. There Hawaii adopted a law banning parasailing for seven months a year in a national marine sanctuary. The plaintiff challenged the statute arguing it was preempted by the MMPA. Relying on Title 16 United States Code section 1379(a), the court found express preemption based on its interpretation of "relating to." (*UFO Chuting 1,* at pp. 1223, 1224.)

The court focused on the "primary intent" of the state statute, to prevent harassment of whales. (*UFO Chuting 1, supra*, 327 F.Supp.2d at p. 1223.) "That the

State considered other justifications as well when it adopted the restriction does not mean that the restriction does not relate to the safety of whales." (*Ibid*.)

2) Primary Intent

Plaintiff argues that because the purpose of the Closure was to protect seals during pupping season, it is expressly preempted. Plaintiff directs us to City's LCP Amendment, which states "seasonal access restrictions" were "to protect breeding pinnipeds." Plaintiff also cites to City's focus on preventing flushes, based on its conclusion prior regulations had not prevented improper interactions between people and seals.

Plaintiff additionally points to the condition in the Permit requiring City to devise a monitoring plan to address whether the Closure was effective at minimizing harassment of seals. Plaintiff further cites to Commission findings that the purpose of the Closure was to protect the rookery during pupping season.

Plaintiff maintains evidence shows the Ordinance was enacted primarily to protect seals from harassment. It complains defendants are arguing for the first time on appeal the Closure does not relate to harassment but claim it might diminish conflict between those who support seals and those who opposed, and that it will reduce seals biting people. Plaintiff asserts these were "alternative justifications," which it claims were barely mentioned by City or Commission in enacting the Ordinance and Permit. Relying on *UFO Chuting 1,* it argues that in any event they did not negate preemption. This argument does not persuade.

Initially, the record reflects both defendants discussed the meaning of "relating to" in the trial court. Moreover, this is a legal argument we may consider for the first time on appeal. (*Julian v. Mission Community Hospital* (2017) 11 Cal.App.5th 360, 377.)

Further, *UFO Chuting 1,* a federal district court decision, does not bind us,[7] and in any event it is distinguishable. The regulation in that case was in conflict with the MMPA, thereby "expressly preempted." (*UFO Chuting 1, supra*, 327 F.Supp.2d at p. 1224.) The MMPA allows boats to come within 100 yards of humpback whales while the Hawaii statute banned parasailing at any distance. There is no such conflict here. In one of its letters to City the NMFS stated the MMPA "does not mandate set distances" to keep people away from marine mammals. Moreover, nothing in the MMPA allows people to harass harbor seals. In addition, the Hawaii statute restricted activity within waters managed by the federal government as opposed to on state property that is at issue here. (*Id*. at p. 1221; see 15 C.F.R. § 911.180.) Thus, the case has little if any persuasive authority.[8]

Additionally, other than *Arnariak*, which held there was no preemption, and *UFO Chuting 1*, which is distinguishable, the parties have not cited us to any other cases that hold Title 16 United States Code section 1379(a) preempts a state land use regulation.

Plaintiff cites some older ERISA cases for the general proposition that even consistent state laws can be preempted. (E.g., *Morales v. Trans World Airlines, Inc.* (1992) 504 U.S. 374, 386-387; *Mackey v. Lanier Collection Agency & Service, Inc.* (1988) 486 U.S. 825, 829.) But these principles are contrary to the newer cases cited

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[7] "'[T]he decisions of the lower federal courts on federal questions are merely persuasive. . . . Where lower federal court precedents are divided or lacking, state courts must necessarily make an independent determination of federal law.'" (*Fair v. BNSF Railway Co.* (2015) 238 Cal.App.4th 269, 287.)

[8] After *UFO Chuting 1* was decided the MMPA was amended to give Hawaii an exemption from its preemption provision. This was upheld in *UFO Chuting of Hawaii, Inc. v. Young* (D.Hawaii 2005) 380 F.Supp.2d 1166, 1167-1168, which affirmed vacating the summary judgement in *UFO Chuting 1*.

above limiting the breadth of "relating to." In addition, in general ERISA cases are distinguishable because they do not implicate the state's sovereign police power.

3) No NMFS Opposition

Further, in this case, the NMFS, which enforces the MMPA, never objected to the Ordinance or Permit although it had many opportunities to do so, consulting with City throughout the several years leading up to the enactment of the Ordinance. In 2007 the NMFS "strongly recommend[ed]" City close Children's Pool Beach from December 15 through May 30. And the NMFS supported the Trust Amendment authorizing a marine mammal part at Children's Pool Beach because it gave City "greater latitude in implementing management actions regarding the harbor seal colony."

Also, in 2010, in responding to City's request for comments on the proposed five-part Policy, as to the proposed Closure the NMFS focused on the dangers of flushing during pupping season. Its one comment was a suggestion City consider exempting "certain categories of people," such as SeaWorld employees, from the Closure.

In the same document, NMFS supported hiring a park ranger or lifeguard for "enforcement and education" of the public as to the dangers of disturbing the seals. It further stated, "States and local governments are free to implement and enforce ordinances, such as the closure of a beach, which may have a side benefit of preventing the harassment of a marine mammal."

In 2014, commenting on the proposed Ordinance, the NMFS stated it did not believe "complete closure of Children's Pool Beach is necessary to protect the harbor seals from violations of the MMPA." But it acknowledged its "efforts to provide guidance on complying with the MMPA ha[d] not helped to diminish the human conflict that persists." It advised City should "take steps to reduce the possibility of harassing marine mammals wherever they are encountered in the wild." The NMFS recommended

City review Title 16 United States Code section 1379(a), but it never stated the Ordinance would be preempted.

In a second letter in 2014, the NMFS reiterated that its "most preferable outcome" was "shared use." In that letter it also again recommended City review Title 16 United States Code section 1379(a), explaining the section generally banned laws relating to the taking of marine mammals unless management and conservation authority has been transferred to a state. The letter noted such authority had not been transferred to City. But again, when the opportunity was present, the NMFS did not state the Ordinance was preempted or ban the Closure.

Although the NMFS interpretation of the MMPA is not binding on us it is "'entitled to [our] consideration and respect'" (*De La Torre v. California Horse Racing Board* (2017) 7 Cal.App.5th 1058, 1065) and we "give[] weight to [its] construction" (*Western States Petroleum Assn. v. Bd. of Equalization* (2013) 57 Cal.4th 401, 415; see *Wyeth v. Levine* (2009) 555 U.S. 555, 576 [agencies have "unique understanding of the statutes they administer and an attendant ability to make informed determinations about how state requirements may pose an 'obstacle to the accomplishment and execution of the full purposes and objectives of Congress'"].) When directly asked for comments about the Closure the NMFS did not attempt to prevent City from enacting it. Further, the NMFS's instruction that steps be taken to reduce harassment of seals negates plaintiff's argument that any acts by defendants, even if consistent with the MMPA, are preempted. We consider this very persuasive in our analysis.

Moreover, even though the NMFS has known about the problems at Children's Pool Beach for years, not once has it directly acted to solve them but instead relied on City, indeed directed City, to address the issue.

Further, regardless of the fact one basis for the Ordinance and Permit was to reduce harassment of seals, defendants were also concerned with public safety, seeking to eliminate the many years of conflicts between the pro- and anti-seal constituencies,

resulting in near constant police involvement. It would be hair splitting at its finest to hold the exact same Ordinance and Permit would comply with the MMPA had the City and Commission merely failed to mention protecting the seals, but because one goal was reduction of interaction between seals and people during pupping season, then the Ordinance and Permit are preempted. We will not reach such an absurd conclusion.

Plaintiff has acknowledged defendants are not prohibited from closing Children's Pool Beach for reasons unrelated to harassment of seals. And nothing in the MMPA expressly preempts municipalities or states from protecting their citizens even if indirectly related to protecting seals. In using the term "relating to" Congress did not intend to preempt land use regulations just because marine mammals are present. The Closure does not relate to issuing of permits to allow taking of harbor seals. The mere connection or reference to seals does not overcome the presumption against preemption.

In addition, as noted by City, cities have enacted and Commission has approved a number of access restrictions to rookeries throughout the state. Before this action, 83 out of 85 rookeries mapped by NOAA in California had access restrictions. There is no evidence in the record NMFS objected to any of these or claimed they were preempted by the MMPA. In fact, there is no evidence of federal involvement in the regulation of access to state property where marine mammals are present.

4) Transfer of Management

Plaintiff also argues that to enact the Ordinance and adopt the Permit, defendants needed to have management authority of Children's Pool Beach transferred from the federal government.[9] We disagree.

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[9] Management authority for harbor seals has not been transferred to California by the Secretary. Plaintiff claims defendants argued in the trial court that management authority had been transferred but fails to cite to any such argument in the record. Defendants dispute this claim. City asserts its position is and always has been that no transfer of authority was needed to enact the Ordinance. Commission argued at trial that NMFS had "approved and supported" the Closure.

The transfer of management is premised on a state "develop[ing] and . . . implement[ing] a program for the conservation and management of the species" (16 U.S.C. § 1379(b)(1)) and requires, for example, that taking be humane and only when the "species is at the optimum sustainable population" (16 U.S.C. § 1379(b)(1)(B) & (C)(i)(I)). That is not the purpose or thrust of the Ordinance or the Permit. And there is nothing in the MMPA that suggests a local government must implement a conservation and management program just so it can regulate access to its property. We will not interpret Title 16 United States Code section 1379(a) to reach such an unreasonable result. (*Downen's Inc. v. City of Hawaiian Gardens Redevelopment Agency* (2001) 86 Cal.App.4th 856, 860; *United States v. Wilson* (1992) 503 U.S 329, 334.)

d. No Field or Conflict Preemption

Plaintiff contends the Ordinance and Permit are preempted by field and conflict preemption. Field preemption applies "'when the scope of a [federal] statute indicates that Congress intended federal law to occupy a field exclusively.'" (*Kurns v. Railroad Friction Products Corp.* (2012) 565 U.S. 625, 630; *Cellphone Termination Fee Csaes, supra,* 193 Cal.App.4th at pp. 309-310.) In addition state law is preempted "'to the extent of any conflict with a federal statute.'" (*Ibid*.)

Plaintiff claims the MMPA occupies the field of managing "the taking, importation, and conservation of marine mammals." It cites to the various powers of the Secretary such as issuing permits, investigating violations and enforcing the statute, and engaging in negotiations for international agreements. (16 U.S.C. §§ 1372, 1373, 1374, 1375, 1376, 1378.) Plaintiff argues those sections in addition to Title 16 United States Code section 1379(a) and (b)(1) show Congress's intent to bar any regulation within this field. We disagree.

"'[W]e start with the assumption that the historic police powers of the States were not to be superseded by the Federal Act unless that was the clear and manifest purpose of Congress.'" (*Arizona v. InterTribal Council of Arizona, Inc*. (2013)

570 U.S. 1, 13.) "'Congress does not exercise lightly' the 'extraordinary power' to 'legislate in areas traditionally regulated by the States.'" (*Ibid*.) As discussed above, land use regulation is a traditional state police power. (*Equal Employment Opportunity Commission v. Wyoming, supra,* 460 U.S. at p. 239; *Big Creek Lumber Co. v. County of Santa Cruz, supra,* 38 Cal.4th at p. 1151; *Arnariak, supra*, 941 P.2d at p. 158.)

Here, the Ordinance and Permit solely regulate access to Children's Pool Beach. They have nothing to do with any of the enumerated powers of the Secretary. There is nothing in the MMPA showing a clear intent for Congress to usurp the state's traditional power to regulate land use.

Plus, the relationship between the Ordinance, the Permit, and the taking of seals is attenuated and incidental. Granted the problems at Children's Pool Beach are due to the seals' presence and the Closure will indirectly reduce take. But the Ordinance and the Permit say nothing about human interaction with seals and do not set out penalties for improper taking.[10] Therefore, the Ordinance and the Permit do not fall within the field of laws that regulate the taking of marine mammals.

Nor do the Ordinance and Permit conflict with MMPA. To the extent they relate at all, they are completely consistent with and further the MMPA's purpose and intent to protect seals. We are not persuaded by plaintiff's argument the Closure conflicts because it frustrates the uniformity of the MMPA.

In sum, plaintiff has not met its burden to overcome the presumption against preemption. Plaintiff's rigid approach and literal interpretation of the MMPA and

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[10] Compare the Ordinance and Permit with cases where the court found preemption based on Title 16 United States Code section 1379(a) due to direct regulation of marine mammals. (*People of Togiak v. United States, supra*, 470 F.Supp. at p. 427 [state law banning walrus hunting preempted by MMPA provisions allowing Native Alaskans to do so]; *Fouke v. Mandel* (D.Md. 1974) 386 F.Supp. 1341, 1360 [state law prohibiting importing of seal fur preempted]; *UFO Chuting, supra*, 327 F.Supp.2d at pp. 122, 1229-1230.)

specifically Title 16 United States Code section 1379(a) are inconsistent with its "text, context, and purpose." (*Coventry Health Care of Missouri, Inc. v. Nevils, supra,* __ U.S. at p. __ [137 S.Ct. at p. 1197].) We will not read Title 16 United States Code section 1379(a) with an "'uncritical literalism.'" (*Dan's City Used Cars, Inc. v. Pelkey, supra,* 569 U.S. at p. 260.)

Not only that, plaintiff is attempting to use the MMPA to frustrate its stated purposes. Overturning the Permit and Ordinance would have the effect of subjecting the seals to take. Concluding the Permit and Ordinance are effective is consistent with the MMPA and will "preserve the proper and legitimate balance between federal and state authority." (*Mendonca, supra*, 152 F.3d at p. 1189.)

4. Substantial Evidence

The record contains substantial evidence to support the Closure, enactment of the Ordinance, and issuance of the Permit. City closed Children's Pool Beach only after years of dispute, conflict, and implementation of lesser measures in an attempt to resolve the issue. City's evidence included studies and information about the history of the seals and development and use of the haul out site. It also had information about numerous acts of harassment and disturbing of seals as well as conflicts between people supporting the seals and those supporting complete access to Children's Pool Beach. City consulted with the NMFS and Commission and conducted many public hearings to hear the concerns and opinions of the public, also reviewing letters in support and in opposition to the Closure.

It was not until the other components of the Policy failed that City was forced to implement the Closure. And the Closure is not complete but is limited to the pupping season only. Further, the breakwater wall is open year-round allowing for viewing of the Children's Pool Beach and seals, fishing, and walking. The City is to be commended for its measured response to the problems at Children's Pool Beach.

This evidence was available to and relied upon by Commission as well. It also noted the availability of nearby beaches without seals that remain open year round. It, too, imposed only a limited restriction on public access, leaving the breakwater area open year-round. It balanced the conflicting concerns of protecting marine mammals and the public safety.

Plaintiff has not met its burden to overcome the presumption City's and Commission's acts were supported by substantial evidence.

5. No MMPA Preemption of Amendment

As an alternative argument, plaintiff contends that if the Trust Amendment allowing the establishment of the marine mammal park authorized City to enact the Closure, the Trust Amendment is preempted by the MMPA because it relates to the taking of seals. Plaintiff claims there was an implied finding of preemption based on the finding in the statement of decision that there was no evidence City or Commission had obtained permission from the Secretary to add a marine mammal park to the Trust. Without the provision for a marine mammal park in the Trust, plaintiff argues, the Closure would violate the Trust and section 30211, which bars development that interferes with the public's right of access. Again, we are not persuaded.

First, as noted above we do not review the trial court's decision. Second, we have thoroughly explained why the Closure is not a taking under the MMPA. Likewise, the mere provision for a marine mammal park does not relate to the taking of marine mammals. In fact, the NMFS supported the Trust Amendment. Contrary to plaintiff's argument the Trust Amendment did not deal with taking or harassment of seals or bear on their management or conservation. Instead, it added a marine mammal park as a use authorized by the Trust. This is consistent with a public trust.

"The public uses to which tidelands are subject are sufficiently flexible to encompass changing public needs. In administering the trust the state is not burdened with an outmoded classification favoring one mode of utilization over another.

[Citation.] There is a growing public recognition that one of the most important public uses of the tidelands—a use encompassed within the tidelands trust—is the preservation of those lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life." (*Marks v. Whitney, supra*, 6 Cal.3d at pp. 259-260.)

Further, any challenge to the Amendment is barred by the three-year statute of limitations that ran years ago. (Code Civ. Proc., §§ 308, subd. (a), 338; *Urban Habitat Program v. City of Pleasanton* (2008) 164 Cal.App.4th 1561, 1577 ["when an ordinance conflicts with statutory or constitutional provisions already in effect when the ordinance is passed, then the claim begins to accrue when the ordinance is passed"].)

6. No Coastal Act Preemption

The Coastal Act is a "'comprehensive scheme to govern land use planning for the entire coastal zone of California.'" (*Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles* (2012) 55 Cal.4th 783, 793.) It was enacted to "protect the ecological balance of the coastal zone and prevent its deterioration and destruction." (§ 30001, subd. (c).)

A local government with land in the coastal zone must prepare an LCP implementing the Coastal Act's policies. (§ 30500, subd. (a).) The Commission must certify the LCP, plus any amendments. (§§ 30512, 30513, 30514.) After an LCP is certified, the local government has authority to issue permits. (§ 30519, subd. (a).) However, Commission retains authority to issue permits for "tidelands, submerged lands, or on public trust lands." (*Id*., subd. (b).)

Before a local government can engage in coastal development on tidelands or public trust lands, it must obtain a permit from Commission. (§ 30601, subd. (2).) Development includes "the placement or erection of any solid material or structure; . . . change in the density or intensity of use of land . . .; [and] change in the intensity of use of water, or of access thereto." (§ 30106.)

Plaintiff contends the Coastal Act preempts the Closure because it interferes with the public's right of access that was acquired both by use and by legislative authorization. Plaintiff relies on the Trust, as amended, in support of its claim of legislative authorization. It provides: "(a) That said lands shall be devoted exclusively to public park, marine mammal park for the enjoyment and education benefit of children, bathing pool for children, parkway, highway, playground and recreational purposes, and to such other uses as may be incident to, or convenient for[,] the full enjoyment of those purposes. [¶] (b) The absolute right to fish in the waters of the Pacific Ocean over said tidelands or submerged lands, with the right of convenient access to said waters over said lands for said purpose is hereby reserved to the people of the State of California." (Stats. 1931, ch. 937, § 1, as amended by Stats. 2009, ch. 19.)

Section 30211 states, "Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation." Citing *Grupe v. California Coastal Com.* (1985) 166 Cal.App.3d 148, plaintiff claims section 30211's use of "shall" makes public access to the Children's Pool Beach mandatory, and argues the Closure violates the statute. Plaintiff further asserts section 30211 "is not a policy recommendation that must be balanced or considered," or a "vague 'policy' objective'" to be ignored in favor of other policies. We disagree.

Section 30211 is part of chapter 3 of the Coastal Act. Contrary to plaintiff's claim, it is one of many policies that "shall constitute the standards by which the adequacy of local coastal programs . . . and the permissibility of proposed developments subject to the provisions of this division are determined." (§ 30200, subd. (a).)

The policies within the Coastal Act are not always consistent. (§ 30007.5 ["The Legislature further finds and recognizes that conflicts may occur between one or

more policies of the division"].) Section 30007.5 provides "such conflicts [are to] be resolved in a manner which on balance is the most protective of significant coastal resources." Further, "[w]hen a provision of the Coastal Act is at issue, we are enjoined to construe it liberally to accomplish its purposes and objectives, giving the highest priority to environmental considerations." (*McAllister v. California Coastal Com*. (2008) 169 Cal.App.4th 912, 928; § 30009.)

Additionally, section 30211 is limited by section 30214, which states the "public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case."

On this point *Carstens v. California Coastal Com*. (1986) 182 Cal.App.3d 277 (*Carstens*) is instructive. There, in connection with a permit issued to the operators of the San Onofre Power Plant, Commission restricted access to the beach near the plant. The plaintiff argued this limitation was in violation of the public trust doctrine and section 30212.[11]

The *Carstens* court disagreed, holding "Commission [had] properly exercised its duty . . . to consider the various uses of tidelands under the public trust doctrine." (*Carstens, supra,* 182 Cal.App.3d at p. 288.) The doctrine "does not prevent the state from preferring one trust use over another." (*Id*. at p. 289.) In so ruling the court noted the Coastal Act specifically refers to the public trust doctrine and "emphasizes the need to consider public safety." (*Id*. at p. 290.) It stated the Coastal Act recognized there may be conflicting policies and explained the Legislature had provided that such conflicts should be resolved to afford the most protection to "'significant coastal resources.'" (*Ibid*.)

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[11] Section 30212, subdivision (a)(1) requires that in new developments, public access shall be provided to the shore and coast unless "it is inconsistent with public safety . . . or the protection of fragile coastal resources."

Plaintiff argues *Carstens* is distinguishable because Children's Pool Beach is not federal land and restricted access is not for purposes of protecting nuclear safety. Neither of these distinctions makes a difference in the principles *Carstens* enunciated. Nor does it matter that in *Carstens* there was no legislation granting the public access or specifying uses. The Coastal Act provides for access but not absolute access to the exclusion of every other consideration. Further the Trust provides for multiple uses and does not regulate the time and manner of access to the Children's Pool Beach.

Plaintiff also relies on an apparent finding in *Carstens* that there would be only an "indirect[] impair[ment]" of access in contrast to the prohibition of access here. (*Carstens, supra,* 182 Cal.App.3d at p. 294, fn. 15.) But there is no complete prohibition here. The Closure is in effect for only a portion of the year and the breakwater is accessible throughout the year.

Additionally, we are not persuaded that section 30214 does not apply to interpret section 30211. Plaintiff argues section 30211 is mandatory because it uses the word shall. But as Commission points out, every public access section in Article 2 and almost all policy sections in Article 3 of the Coastal Act contain the word shall. (E.g., §§ 30210 ["maximum access . . . shall be provided"]' 30211 ["Development shall not interfere"], 30212 ["public access . . . shall be provided"], 30212.5 ["Public facilities . . . shall be distributed"], 30213, 30222, 30230, 30241, 30251, 30263.)

And at least one section, section 30230, directly conflicts with section 30211 in this case. It provides, "Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes." (§ 30230.)

In concluding section 30214 limits 30211 we employ the ordinary rules of statutory construction. "We must harmonize statutes dealing with the same subject if possible [citation] and avoid interpreting a statute in a way which renders another statute nugatory. [Citation.] '"[T]he 'plain meaning' rule does not prohibit a court from determining whether the literal meaning of a statute comports with its purpose or whether such a construction of one provision is consistent with other provisions of the statute. The meaning of a statute may not be determined from a single word or sentence; the words must be construed in context, and provisions relating to the same subject matter must be harmonized to the extent possible. [Citation.] Literal construction should not prevail if it is contrary to the legislative intent apparent in the statute. The intent prevails over the letter, and the letter will, if possible, be so read as to conform to the spirit of the act." [Citation.]' [Citations.]" (*Peltier v. McCloud River R.R. Co.* (1995) 34 Cal.App.4th 1809, 1816.)

We also disagree with plaintiff's claim that, assuming section 30214 applies, the Closure does not just regulate time, place, and manner but rather eliminates access during the several applicable months. Eliminating access for part of the year does regulate time and manner.

Finally, as discussed above, substantial evidence supports Commission's grant of the Permit. In reviewing a request for a permit and amendment to an LCP, Commission must determine whether they conform with the Coastal Act. (§§ 30512, 30512.2, 30513.) Courts presume an agency properly performed it duties (Evid. Code, § 664) and that its decision is supported by substantial evidence (*Young v. City of Coronado* (2017) 10 Cal.App.5th 408, 419). Plaintiff has the burden to show there is insufficient evidence. (*Ibid*.) It has not done so.

The Commission granted the Permit, acting to protect the seals by limiting human contact. As shown by the numerous access restrictions it has approved,[12] this was not unusual. And it conformed to the Coastal Act by balancing the goals of protecting both resources and public access.[13]

7. APA Process

The trial court ruled defendants should have instituted a proceeding under the APA, stating, in part, "Citizens challenging actions done under [the MMPA] must sue under [the APA]." This action does not involve a challenge to an MMPA action. Nor did plaintiff ever argue the APA applied to the matter.

The court apparently decided City could have obtained authorization from the Secretary to manage the seals by virtue of an APA proceeding. This is incorrect as well. First, as discussed above, the Ordinance did not "manage" the seals. Further, the APA does not provide a process by which City could have obtained authorization to do so. The APA allows judicial review of "final agency action for which there is no other adequate remedy in a court." (5 U.S.C. § 704.) It sets out "procedures by which federal agencies are accountable to the public and their actions subject to review by the courts." (*Franklin v. Massachusetts* (1992) 505 U.S. 788, 796.)

Further, contrary to the court's finding, neither City nor Commission is an agency under the APA. (5 U.S.C. § 551(1) [with certain inapplicable exceptions, "'agency' means each authority of the Government of the United States"]. Thus, the APA did not provide a basis for invalidating the Ordinance or the Permit.

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[12] Commission has taken similar action to limit access to protect marine resources in other locations throughout the state, including Solana Beach, Malibu, and Monterey County.

[13] Commission has never been shy about requiring public access to California's beaches where it believed it was proper. (See e.g., *Surfside Colony, Ltd. v. California Coastal Com.* (1991) 226 Cal.App.3d 1260, 1262; *Whaler's Village Club v. California Coastal Com*. (1985) 173 Cal.App.3d 240, 256 (and cases cited therein).

DISPOSITION

The judgment is reversed. The request for judicial notice is granted. Defendants are entitled to costs on appeal.

THOMPSON, J.

WE CONCUR:

O'LEARY, P. J.

ARONSON, J.

From:	John Leek
To:	ChildrensPool@Coastal
Subject:	Fwd: Needed documents for your analysis of the permits to be renewed in June
Date:	Saturday, April 13, 2019 10:11:46 AM
Attachments:	Vallerie OSullivan vs San Diego 2005.pdf Letter CCC 2_5_19.docx

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Please enter this email and its attachments to the file as public comment on the renewals of Children's Pool closure permit renewals.

-------- Forwarded Message --------
Subject: Needed documents for your analysis of the permits to be renewed in June
Date: Tue, 5 Feb 2019 11:16:17 -0800
From: John Leek <jleek001@san.rr.com>
To: Lasiter, Melody@Coastal <Melody.Lasiter@coastal.ca.gov>

To prepare staff recommendations concerning the 2 permit renewals in June to curtail shoreline access at Children's Pool for another decade, you need facts to review. You have indicated you do not have a lot of spare time on your hands even now.

I am attaching a letter with information and documentation. You will be receiving lots of public input as well, but unfortunately such input will largely be unsubstantiated opinions, as if the Coastal Commission must operate by popular plebiscite when carrying out the law.

The Coastal Commission is a judicial body charged with enforcing the Coastal Act as created by the legislature, and the State Constitution. The CCC serves as judge and jury and investigative body, but unfortunately anyone can submit testimony, unsubstantiated claims and opinions, fake news, rants, form letters. Yours is the only fact checking and sadly there is no penalty for perjury or misrepresentation to dampen petitioners.

If you have reason to doubt or question me anytime, please say so that I might document or withdraw. The burden of proof is mine.

2/5/19
Melody Lasiter
Coastal Commission Staff
7575 Metropolitan Dr. Suite 103
San Diego, CA 92108

Ref: Documents relevant to analysis of a closure permit renewal

I said NOAA from the beginning wanted to give away its responsibilities (and costs) for the seals at Children's Pool, finally passively ceding authority for all marine mammals in the Coastal Zone to the Coastal Commission last year. NOAA administrators had in the past recommended San Diego do it, within or outside the only legal path under MMPA sec 109b to persuade California to assume all management authority for harbor seals. California through the Coastal Commission now has legal custody of all marine mammals in the Coastal Zone just as the consequences of building the populations of sea lions to harmful levels are beginning to be known, as with harbor seals and elephant seals. San Diego now has a sea lion rookery and a second seal rookery it does not want to protect with a closure or any other measures.

"Extraordinary claims require extraordinary proof", I admit. Documents.

In the beginning:
Seals began showing up at Children's Pool in the 90's. Scientific census before then had been made by California Fish and Game by Dolyle Hanan for his doctorate thesis. California harbor seals had previously gathered on a convenient offshore rock named Seal Rock, not the original "Seal Rock" of the 1900's which no longer protrudes above sea level. Especially if the tide was wrong for napping on Seal Rock, some would wander to Children's Pool next door, unafraid of people and prompting the term "shared use". And controversy.

There is no evidence of any concern about or discussion of seals in the Children's Pool area until July, 1992. A representative of Sea World, Jim Antrim, discussed with Barbara Bamburger, a representative of "Friends of the Seals," the creation of a seal reserve in the vicinity of "the rock off Shell Beach (in front of 939 Coast Blvd)" as it was the "focal point of harbor seal activity concentrated between the months of January and, May."

Creating the Seal Rock Reserve was opposed by the State Lands Commission and Calif Fish and Game insisted it could not preclude constitutionally protected coastal access for fishing. 1994 the Coastal Commission approved the seal rock reserve for 5 years only. NOAA voiced no objection though marine mammals are supposed to only be protected in federal reserves. Five years later the City withdrew a CCC permit renewal rather than accept new restrictions and the Seal Rock Reserve lapsed.

I said I owe you documentation. I have attached the court judgement of Valerie O'Sullivan vs. City of San Diego wherein the above and much more is documented. You need to read it all to verify not only what I said above but what I will be adding later. It reads like a novel.

John Leek

F I L E D
Clerk of the Superior Court
AUG 2 5 2005
By: C. LUNT, Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

VALERIE O'SULLIVAN, Plaintiff, v. CITY OF SAN DIEGO, a municipal entity, and FOES 1 through 500, inclusive, Defendants.	CASE NO. GIC 826918 TENTATIVE STATEMENT OF DECISION

The court, having heard the testimony at trial and the argument of counsel and having considered the pleadings, evidence and declarations filed herein, makes the following factual findings and conclusions of law.

FACTUAL FINDINGS

On June 21, 1930, Ellen Browning Scripps, through her Attorney in Fact, Dr. J. C. Harper (hereinafter "Harper") wrote the Mayor and City Council of San Diego for permission to construct a "concrete breakwater in the Pacific Ocean at La Jolla." The stated purpose for the breakwater was to "create a Bathing Zone adjacent to the City of San Diego's La Jolla Park and City

Streets." The letter notes that the breakwater "will be outside the City of San Diego but adjacent to the park and streets." [Exh. 546.] On June 26, 1930, hydraulic engineer H. N. Savage (hereinafter "Savage") also wrote the City of San Diego (hereinafter "the City") on behalf of Ms. Scripps requesting permission to construct the breakwater. He enclosed with his letter plan drawings of the proposed breakwater. In this letter, Savage states the purpose of the breakwater "is to create a bathing pool" and the cost would be "in the vicinity of $50,000." [Exh. 547.] On June 30, 1930, the San Diego City Council passed Resolution No. 54177, granting permission to Ellen Browning Scripps to construct a "concrete breakwater in the Pacific Ocean at La Jolla, California . . ." [Exh. 11.]

Savage was the Engineer-in-Charge of the project and wrote a "Feature History" of the project, a copy of which can be found in the San Diego Public Library. Since there does not appear to be anyone alive who was in a position of authority with regard to the approval and construction of the breakwater feature, Savage's history provides the court with what appears to be the most accurate history of the children's pool project. [Exh. 32.] Based on that history, the following findings are made.

In 1922, Ms. Scripps and Harper invited Savage to determine the "practicality and feasibility of the accomplishment of a bathing pool for children in the Ocean at La Jolla, California." [Id. at 64.] For several months thereafter Mr. Savage conducted "world wide research" and on March 22, 1923, submitted a report to Ms. Scripps. The report contained recommendations for constructing a bathing pool in the ocean in front of the location of the Casa de Manana Hotel.

Several years later, in May 1930, Ms. Scripps' representatives "invited [his] cooperation in the accomplishment of the projected splendid gratuity-bathing pool for children at La Jolla." [Id.] Savage, apparently having accepted the invitation, met on June 6, 1930 with a representative of the United States

War Department preliminary to applying to the War Department for permission "to construct the breakwater feature of the projected bathing pool." [Id.]

On June 20, 1930, Ms. Scripps authorized construction of the pool as a gift to children. Savage's services on the project were also a gratuity to children. The next day, formal application was made to the War Department requesting permission to construct the breakwater feature of the pool. [Id. at 64 – 65.] At the same time, application for permission to construct the pool was made to The State of California, Department of Public Works, and the City of San Diego, Mayor and "Common council," as well as the City's Board of Park Commissioners and Board of Playground Commissioners.

As noted above, permission from the City was granted on June 30, 1930. [Id. at 16.] The Board of Playground Commissioners took no action because the pool was not being constructed on property "under the control of the Playground Commission." However, the President of the Playground Commission stated "the Board will be happy . . . to cooperate with you in the maintenance and construction of same after it is completed, in so far as our jurisdiction will permit." The City Park Department approved the construction on July 22, 1930. [Id. at18.] The War Department issued a construction permit on September 2, 1930. [Id at 19.]

Savage wrote the Attorney General for California, U.S. Webb, to clarify the legal requirements for approval of the pool project by the State of California. In that letter, Savage confirmed his understanding of the position expressed by the Attorney General at a September 4, 1930 meeting. In summary, Savage concluded "that an Act of the California State Legislature alone could legally authorize the gratuitous construction . . . of the breakwater structure necessary to control Pacific Ocean water sufficient to provide a safe bathing pool at the site selected, . . . until an Act of the California State Legislature could be obtained, only the California State Attorney General could initiate the legal steps necessary to prevent the construction of the projected

bathing pool breakwater, and . . . appreciating the gratuitous perpetual non-commercial character of the projected undertaking, . . . it would be entirely proper for the work to be immediately put under construction . . . having in mind the extreme age and failing health of Miss Scripps, and . . . out of . . . unprecedented official constructive cooperation gave me your assurance of further constructive cooperation to the extent you find proper . . . in advancing the accomplishment of an Act of the next Legislature, legally confirming the accomplishment of the gratuity." [Id. at 24.] On September 17, 1930, Attorney General Webb responded to Mr. Savage's letter and stated "approval is expressed to all said by you therein." [Id. at 23.]

With actual or tacit approvals in hand, on September 15, 1930, Ms. Scripps awarded the construction contract to W.M. Ledbetter & Company. Two days later, equipment arrived on site and construction commenced. [Id. at 78.]

According to Savage, "[t]he purpose of the project was to create a safe bathing pool for children, sheltered from the ocean surf and winds." [Id. at 5.] The project itself consisted of a "breakwater three hundred feet long with its top twelve feet above mean sea level. The breakwater extends from a bluff at the edge of the ocean out in a sweeping curve [from north to northeast] along a natural low barrier reef between the pool and the ocean."

"Access to the pool is provided for by the construction of concrete reinforced stairways from the top of the bluff down to the sand beach, also from the top of the bluff down to the wide walkway which extends along the top of the entire breakwater. The inside of the breakwater is terraced making access from the walkway along the entire length of the breakwater inside down to the sand beach."

"The park area on the bluff adjoining the pool was improved by grading and the construction of parapet walls, and curbs. Shrubs have been planted and benches provided." [Id at 4.]

In addition to the above improvements, a cable was stretched across the open end of the pool, anchored on the far end of the breakwater and the cliff face on shore. Ropes hung from the cable approximately eight (8) feet apart. Drainage was also constructed to divert water from running over and down the face of the bluff and instead into the City's storm drain system. [Id. at 6.]

The construction proceeded relatively smoothly, with some unanticipated delays. The project was essentially completed on February 10, 1931. [Id. at 134.] On June 1, 1931, Ms. Scripps gave the Children's Pool to the City of San Diego. [Exh. 1.] On June 11, 1931, the Common Council of the City adopted Resolution 56609 whereby it "express[ed] to this generous friend of humanity its most cordial thanks, on behalf of the children and citizens generally of the City of San Diego, for the unprecedented tidal bathing pool for the younger generation which has recently been constructed in ocean water on the shores of La Jolla, ..." [Exh. 19.]

On June 15, 1931, the Governor of California signed Statute No. 937 of the laws of 1931, which granted to "the city of San Diego, . . . all right, title and interest of the State of California, . . . in and to all that portion of the tide and submerged lands bordering upon and situated below the ordinary high water mark of the Pacific ocean described as follows:

"Beginning at the intersection of the ordinary high water mark of the Pacific ocean with a line bearing S. 87° 40' W. from the monument marking the intersection of Coast boulevard south and Jenner street as . . . shown on that certain map entitled 'Seaside subdivision number 1712' and filed June 23, 1920 . . . ; thence N. 350', thence E. 300', thence S. 185' more or less to the ordinary high water mark of the Pacific ocean, thence in a generally southwesterly direction along the ordinary high water mark of the Pacific ocean to the point of beginning, all in the Pacific ocean, State of California, to be forever held by the city of San Diego and its successors in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be devoted exclusively to public park, bathing pool for children, parkway, highway, playground, and recreational purposes, and to such other uses as may be incident to, or convenient for the full enjoyment of, such purposes;

(b) The absolute right to fish in the waters of the Pacific ocean over said tidelands or submerged lands, with the right of convenient access to said waters over said lands for said purpose is hereby reserved to the people of the State of California."

The grant of the trust became effective August 14, 1931. On November 21, 1931, the Operating Department of the City prepared a map depicting the land granted to the City by the State of California "for a swimming pool." [Exh. 731.]

In 1933, the Legislature passed and the Governor signed Statute No. 688 of the laws of 1933, that conveyed in trust all of the tidelands of the state bordering the City of San Diego. The more general grant of land described *permissive* uses of the tidelands, as contrasted with the 1931 grant, which provides for *exclusive* uses of the tidelands within the grant. Thereafter, for over sixty years, the Children's Pool remained open for the use and enjoyment of the people of San Diego and others.

Based on other evidence received at trial, the following facts are found. In 1980 and 1983, the City of San Diego contracted for repairs to the Children's Pool breakwater. These repairs included replacing the handrail, improving lifeguard facilities and repairing the breakwater itself. [Exh. 722.]

There is no evidence of any concern about or discussion of seals in the Children's Pool area until July, 1992. At that time, a representative of Sea World, Jim Antrim, discussed with Barbara Bamburger, a representative of "Friends of the Seals," the creation of a seal reserve in the vicinity of "the rock off Shell Beach (in front of 939 Coast Blvd)" as it was the "focal point of harbor

seal activity concentrated between the months of January and May." [Exh. 238.]

The issue of establishing a Marine Mammal Reserve in the Seal Rock area of La Jolla came before the San Diego Park and Recreation Board in October, 1992. This area was to begin about 100 yards east of the Children's Pool. [Exh. 588.] The Director of the Board recommended posting signs in the Seal Rock area advising it is unlawful to harass or disturb marine mammals and signs to educate the public about marine mammals. He also recommended establishing a volunteer docent program and solicitation of private funds to finance a two-year study of the uses of the Seal Rock area by harbor seals. [Exh. 581.]

The subject of a marine mammal reserve (hereinafter "the Reserve") came before the City Council Committee on Public Facilities and Recreation on November 25, 1992, with a recommendation by the City Manager to essentially adopt the Park and Recreation Board recommendations, with the exception that the Reserve be established for a five-year period. [Exh. 588 at 1.] The City Manager's recommendations were adopted. [Exh. 583.] The water and land within the reserve would be "off-limits to human and pet intrusion." [Exh. 588 at 5.] In making these recommendations, the City recognized that marine mammal populations in the area of Seal Rock, and harbor seals in particular, had increased during the prior ten years. [Id. at 4.] The City Manager was directed to meet with Ms. Bamburger to fix the boundaries of the Reserve. [Exh. 583 at 1.]

A Request for Council Action was sent to the City Attorney on December 3, 1992, recommending a reserve with a fixed boundary beginning 200 feet east of the seaward entrance to the Children's Pool. [Exh. 584, attached map.] The City Attorney approved the request, and the recommendation for the Reserve came before the City Council on February 1, 1993. [Exh. 585.] It passed unanimously after an amendment that extended the boundaries "to include the

compromise area that goes practically to the beach that was presented by Barbara Bamburger. This discreet area shall be in effect for five years on a trial basis and is off limits to swimmers, divers and tourists. Access to the riptide is not affected because the divers can come in and go out through the Children's Pool." [Exh. 586.] The ordinance was formally adopted on February 22, 1993. [Exh. 589.]

On or about October 25, 1993, Jane Sekelsky, Chief, Division of Land Management, State Lands Commission (hereinafter "SLC"), sent a letter to Carl Lind, a private citizen, copied to Robin Stribley, Natural Resources Manager, Park and Recreation District, City of San Diego. The letter concerned the creation of a marine mammal preserve within an area encompassed within a statutory trust grant. The SLC, on behalf of the State of California, expressed its concern that the Reserve may prohibit activities specifically reserved to the people of the State of California. Such activities include "the absolute right to the public use of said tidelands and to fish in the waters thereof, with the right of access to said waters over tidelands for said purpose." [Exh. 67.] The Legislature has vested in the SLC: "All jurisdiction and authority remaining in the State as to tidelands and submerged lands as to which grants have been or may be made," and has given the commission exclusive administration and control of such lands. (Pub. Resources Code § 6301.)

The SLC then followed up with a clarifying letter dated November 15, 1993, addressed to Ms. Stribley and Barbara Bamburger. In that letter, SLC more thoroughly advised the City of its rights and obligations in regard to lands over which it is the trustee. The State stated that "[t]he proposed ordinance is clearly inconsistent with the provisions of Chapter 937, Statutes of 1931. To ban public recreational uses as proposed would violate the specific provisions of the statute and the City's responsibility as Trustee." [Exh. 70.] The court recognizes that the Reserve is situated within the broader tidelands grant of 1933 and not the much more narrowly and specifically worded grant of 1931.

However, the court finds that the letter from the SLC placed the City on notice, as of November 1993, of its legal obligations under the 1931 statutory grant of public trust land.

On November 18, 1993, the California Coastal Commission approved the establishment of the Reserve in the vicinity of Seal Rock. [Exh. 606.] The approval was conditioned on the City obtaining approval of the SLC and the boundaries of the Reserve not including any "sandy beach area." The requirement to obtain SLC approval apparently prompted the City to obtain a legal opinion from the City Attorney and to survey the areas of the Children's Pool grant and the 1933 grant. In a memorandum dated December 17, 1993, the City Attorney opined that the SLC erroneously concluded that the Reserve area was within the 1931 grant, when it was really within the 1933 grant. Since the City surveyed the area and found the Reserve did not lay within the 1931 grant, the City Attorney concluded the designation of "a small preserve for marine mammals is clearly consistent with the uses of tidelands" under the 1933 grant. The issues involving the Reserve are relevant as notice to the City of its rights and obligations under the 1931 grant as contrasted with the 1933 grant.

On January 25, 1994, the SLC, upon further review, concluded the Reserve did not violate the conditions of the 1933 grant, which granted to San Diego trust rights over all "[s]tate owned Public Trust Lands within the Pacific Ocean and the City limits (not already granted-such as the Children's Pool) to the City of San Diego." The SLC distinguished the broad provisions of the 1933 grant and the "restrictive provisions" of the 1931 grant which "impact[s] the area of the Children's Pool." [Exh. 597.]

The California Fish and Game Commission (hereinafter "Fish and Game") declined to take any action in regard to the Reserve. However, in its March 30, 1994 letter to the City, Fish and Game cautioned the City about interfering with "the public's right to fish in State waters." [Exh.598.] On July 25, 1994,

the City Council amended the ordinance establishing the Reserve to comply with the requirements of the Coastal Commission and to permit fishing pursuant to the request of Fish and Game. [Exhs. 599, 600 & 601.]

On September 30, 1996, the City Council accepted donations for improvements to the Children's Pool. [Exh. 608 & 609.]

The Natural Resources and Culture Committee (hereinafter "Natural Resources"), on October 1, 1997, received an informational report from the City Manager about the "Closure of Children's Pool." The report noted that the Pool had been closed to "water contact since September 4, 1997 due to continuously high fecal coliform counts." Obvious forms of contamination had been ruled out and it was believed that the source was harbor seal feces. This had not yet been confirmed, but laboratory tests were being conducted. [Exh. 611.]

The City Manager then discussed the City's lack of understanding of the reasons for "this unusual contamination level." The City did know that "[h]arbor seal populations have steadily increased off the west coast over recent years. This is evidenced at Children's Pool by an increased number of seals using the area." The City noted that a potential cause of the increase in the number of harbor seals at the Children's Pool was the nearby Reserve, which was three years into its five-year trial. Another potential cause was that "for the last year and a half, [City] lifeguards have erected barriers between seals hauled-out on the sand at Children's pool and the public." The barrier was to protect the public "from being bitten by a wild animal" or being fined for disturbing the seals.

The City Manager took the position that "[i]f the high contamination level both proves to be due to seals, and continues, it is the City's intent to find a solution which allows the peaceful co-existence of humans and seals at Children's Pool, to the extent the public health can be protected." He also recognized "[s]ince public health is potentially at risk, the federal Marine Mammal Act allows the City to take non-injurious actions which would reduce

or eliminate seal usage of Children's Pool." He then described various non-injurious methods that could be used and declared that "permanent closure of Children's Pool to the public is not being considered." [Id.]

The following month, on November 18, 1997, representatives of various agencies and organizations met to discuss seals at Children's Pool. Representatives from National Marine Fisheries Service (hereinafter "NMFS"), Fish and Game, Scripps Institute, Sea World, The Zoo, Park and Recreation, Lifeguards, and Council District 1 attended. [Exh. 613.] Apparently the meeting did not result in any action to address the seal situation at Children's Pool.

On December 10, 1997, the NMFS, an agency of the United States Department of Commerce, advised the City that "[w]hen Seal Rock was designated as a temporary reserve in 1994, a small number of harbor seals were utilizing the rock as a haul-out, while no animals were hauling out at Children's Pool Beach (CPB). According to [a] report, in 1996 the maximum number (62) of animals observed hauling out, on the rock occurred in April, while the maximum number (120) of animals observed hauling out at CPB occurred in June. Based on these data it appears that animals are preferring CPB over Seal Rock as their major haul-out site. This trend will most likely continue into the near future as the local seal population continues to increase in size." [Exh. 203.]

NMFS also concluded that the seals at Children's Pool appear to be acclimating to humans and the effectiveness of the Reserve as a seal sanctuary is questionable. "Because, the harbor seal population both locally and statewide is healthy and increasing," removing Seal Rock as a Reserve will have no adverse effect on the seals. [Id.]

In January 1998, Hubbs-Sea World Research Institute published a report of seal activity at the Reserve and Children's Pool. The report was based on photographs taken of each location every 30 minutes from November 1995

through September 1997. In most months, the peak count was significantly higher for the Children's Pool than the Reserve. [Exh. 245.]

In February, the City Manager updated Natural Resources on the Children's Pool closure. The report confirmed that the contamination was the result of "a seal excrement overload for Children's Pool." For fifteen years before 1994, the water quality in the Children's Pool met safe standards except on rare occasions. The report seemed to reasonably reject scaring away the seals from the beach or Pool, relocating them or physically preventing their entering Children's Pool. The "action plan" proposed was to discontinue placing barricades on the beach in the hope the seals will use the beach less if there were more human interaction and to hire a consultant to develop a plan for opening the sluiceways in the breakwater. It was believed the open sluiceways would increase the amount of water in the Pool and reduce the size of the beach. The increase in water would further dilute the concentration of feces in the water and a smaller beach might discourage some of the seals from hauling out at Children's Pool and thereby reduce the number of seals at the Pool. [Exh. 111.] The Committee approved the Report recommending the hiring of a consultant in regard to re-opening the sluiceways. [Exh. 617.]

Prior to the May 6, 1998 meeting of Natural Resources, the City Manager provided another report. This time the City Manager recommended returning the barricades to separate the seals from the public. The removal of the barricades did not have the desired effect of reducing the seal population at the Pool. Also, complaints by public members of interactions between humans and seals were distracting the lifeguards from their public safety duties. For these reasons, the City Manager recommended the barricades be returned to the Pool. [Exh. 112.]

The report also concludes that re-opening the sluiceways was feasible, but three-quarters of the sand on the beach would need to be removed, in order to return the beach to its 1931 configuration. The City Manager

recommended the sand removal. [Id.] The Committee's action was to recommend that the City Council direct the City Manager to apply for a Coastal Development Permit to remove the sand and re-open the sluiceways. [Exh. 619.]

In August, 1998, the City was advised by the Center for Disease Control that seals can transmit diseases to humans. "Some seals can carry tuberculosis and Giardia. Fecal contaminant bacteria and viruses would also be a potential concern." [Exh. 165.]

On December 22, 1998, the City requested authorization from the NMFS to remove sand from the beach. Dredging sand from the beach could constitute an "incidental harassment" of the seals. [Exh. 255.] In justifying its request, the City represented that the breakwater was constructed to provide a sheltered swimming area for children; that the Pool has consistently been a popular attraction with a broad range of users who have come to rely on the Pool for beach recreation and water access; that skin and SCUBA divers depend on the Pool in order to safely enter and exit the water; that the beach behind the breakwater has gradually widened as sand accumulated in the Pool. By 1998, the shoreline at the Pool had advanced to near the end of the breakwater, at the mouth of the Pool. This resulted in very little protected area for recreational swimming. In addition, the swimming area had moved to within a close proximity to dangerous rip currents and their attendant safety concerns. Lifeguard rescues had increased because of this dangerous condition. [Exh. 623.]

The City stated that it could restore the Pool as "a safe swimming area and [achieve] acceptable water quality [at] the Pool by reducing the beach width." The requested excavation would return the Pool to its early 1940's condition, with an enlarged area "available for recreational swimming and a safe region for the public to enjoy away from the dangerous rip currents." [Id.]

The recommendation of Natural Resources to remove sand from the Children's Pool came before the City Council on March 22, 1999. The recommendation received four yeas and four nays, so the matter was tabled until March 29, 1999. [Exh. 627.] On that date, the City Council voted "to not dredge, not shoo the seals, instead put up a barrier to protect the humans from the seals and the seals from the humans and send it back to the Natural Resources Committee for an indepth (sic) review of all the issues including the legality and how it was left in the will."[1] Following the vote, the City withdrew its request for a coastal development permit from the California Coastal Commission. [Exh. 88.] The next day, the rope barrier went up. (Exh. 133.)

On August 4, 1999, Natural Resources considered the issue of letting the Reserve designation lapse. The City Manager, in his July 26 report, recommended letting the Reserve lapse as of its sunset date of September 16, 1999.

In his report, the City Manager discussed the potential impact on Children's Pool. He noted that the NMFS was considering whether to declare Children's Pool a "natural haul-out and rookery." Such a designation would impose a no-human-interference policy at the Children's Pool beach. NMFS had held off on such a designation because the City was pursuing a "shared-use-by-people-and-seals policy" and was working on a proposal to "address the pollution at the Pool by reducing the size of the beach and thus the available haul-out space for the seals." Since the City had "abandoned the shared use concept and did not pursue the project to address the pollution, [NMFS] assumes the City plans to maintain Children's Pool beach as a seals-only beach. Therefore, the Service believes the next logical step would be to manage Children's Pool beach as a permanent harbor seal haul-out and rookery." The net effect would be that the public could not use the beach set aside for the seals, nor could fishing occur in that area. [Exh. 643.] Natural Resources

[1] Ms. Scripps' gift was made during her lifetime and thus the Children's Pool is not subject to any will provisions.

rejected the City Manager's recommendation and voted to recommend the Reserve be continued for another five-year term. [Exh. 634.] On November 1, 1999, the City Council voted to make the Reserve permanent with a five-year review. [Exh. 642.]

On October 19, 1999, NMFS advised the City that it did not favor public beaches being closed to the general public due to harbor seals expanding their range and colonizing mainland beaches. Further, NMFS did not agree with a shared-use of Children's Pool by humans and seals. NMFS believed the City should decide if the Children's Pool is to be used by humans or seals, not both. [Exh. 205.)

On November 4, 1999, the City Attorney wrote the SLC inquiring whether the SLC considered the closure of the Children's Pool, or usage of the Pool for viewing seals, a violation of the 1931 Grant of Public Trust over the area of the Children's Pool. [Exh. 73.]

In February 2000, the NMFS notified the City that it had decided to manage the Children's Pool as a harbor seal natural haul-out and rookery. NMFS based this decision on their understanding that harbor seals first began hauling-out at Children's Pool in 1995, with ever increasing numbers and the fact that in 1999, for the first time, seal pup births were documented at the Pool. [Exh. 655.]

On March 15, 2000, Fish and Game advised the City that the City did not have the authority to create a seal reserve on public trust tidelands. Fish and Game cited several bases for this opinion, including violation of the State Constitution, preemption by Federal law and State law, and violation of the 1933 trust itself. [Exh. 75.]

On August 15, 2000, the SLC responded to the City's request for an opinion. The SLC stood by their 1994 opinion that a small temporary seal reserve would not violate the 1933 trust and urged the City "to exercise its responsibilities in a flexible, balanced and thoughtful manner." However, the

SLC did not address the City's inquiry concerning seals at the Children's Pool. [Exh. 76.]

By letter of February 11, 2003, the NMFS advised the City that it could not intentionally harass the seals at Children's Pool in order to remove them. However, it could undertake activities that might temporarily displace the seals. An example would be a dredging project intended to improve the water quality at Children's Pool. [Exh. 668.]

On March 13, 2003, the California Coastal Commission advised the City that the rope barrier the City had erected closing off most of the beach at Children's Pool and access to the water at the Pool, needed a Coastal Permit. The Commission was concerned that a supposed temporary situation had been in place for four years and appeared to be permanent. [Exh. 98.]

On March 21, the County of San Diego informed the City that with the adoption of AB 411 by the Legislature, the status of the Children's Pool had changed from "closed" to "advisory", since the water contamination was not due to a sewage spill. [Exh. 149.]

The City Council on April 1, 2003 considered the request of the Coastal Commission to modify the permanent status of the Reserve. The City Manager recommended that the City accept the permit with the special conditions. The City Council declined to follow the recommendation and did not accept the coastal permit with its special conditions. The Council directed that the signage and the docent program continue and further directed the City Manager to make a presentation before California's Marine Life Protection Working Group, seeking advice on the "appropriate status for the area." Also, the City Manager was directed to once again return to Natural Resources with a report on "how, in compliance with federal law, to reduce pollution levels and to return the Children's Pool to recreational use for children." [Exh. 672.]

On July 29, 2003, the Children's Pool Technical Advisory Committee met to discuss ways to accomplish the directive of the City Council, for an

unpolluted Children's Pool and a joint use of the beach at the Pool. The members of the Committee included representatives from the NMFS, Coastal Commission, Fish and Game, County Environmental Health, Hubbs-Sea World, Park and Recreation, lifeguards and other City representatives. They went over most of the proposed "solutions" that had been enumerated over the years. They concluded the most viable options were "1. Dredge the beach in conjunction with floating platforms; 2. Close beach to public use; and 3. Create a new Children's Pool and leave current Children's Pool for seal use." [Exh. 285.]

On June 17, 2004, the City Manager provided Natural Resources with another report on seals at Children's Pool. This report laid out a comprehensive plan for restoring the Children's Pool to an unpolluted and safe condition. The plan was centered on dredging a substantial portion of the sand at the Pool. It was believed this would restore the water quality in the Pool to an acceptable level and relocate the water in the Pool further into the breakwater area away from the open sea and dangerous rip currents. The estimated cost of dredging the Pool ranged from $250,000 to $500,000. Another $50,000 would need to be budgeted annually to pay for anticipated dredging every three to five years. [Exh. 703.]

On June 23, 2004, Natural Resources considered the recommendations of the City Manager. The Committee voted to refer the matter to the full City Council "with no recommendation." [Exh. 696.]

On or about August 13, 2004, the City posted new signs at the Pool explaining that the rope was a "guideline to avoid disturbing the seals" and that swimming was "not recommended" because of excessive bacteria levels. [Exh. 215.]

On September 14, 2004, the City Council once again held hearings on the Children's Pool. Addressing the Council that day was James Lecky of the NMFS. He advised the Council that harbor seals are a healthy species which

are growing in population and not in anyway endangered or threatened as a species. In fact, as the population of harbor seals expands "[t]hey are causing problems . . . up and down the coast in terms of invading harbors, causing property damage and limiting access to beaches that are important for other public uses." He then told the Council: "The tools that are available to the City and other local governments agencies really reside in [Marine Mammal Protection Act] §109(h)." He said "animals can be moved out of an area if they are either presenting a public nuisance or they're causing a public health hazard." It was his position that the seals at Children's Pool were a local issue for the City to resolve. [Exh 129.] At the end of the meeting, the Council voted "to design and permit the sand removal project and open the pool for year-round use. Direct that the opening of the sluiceways in the Children's Pool be evaluated as an alternative method to obtain the sand removal and tidal flushing as part of this effort. Direct that the rope barriers and sign posts be immediately removed to restore public access to the area and that new signs be placed."

The City has not undertaken any meaningful steps to return the Children's Pool to an unpolluted, safe and usable state since the meeting of September 14, 2004.

CONCLUSIONS

In response to the conditions at Children's Pool, Plaintiff Valerie O'Sullivan, a private citizen, brought this action, alleging violation by the City of the 1931 statutorily-created public trust for the area know as Children's Pool in La Jolla. Plaintiff seeks a declaration of the meaning of the 1931 statutory grant to the City as trustee of the tidelands. [Exh. 20.] Plaintiff also alleges a violation by the City of the trust and seeks to compel the City's compliance with it, as well as other relief. The State of California has joined as an indispensable party, and has stipulated to be bound by any judgment entered by this court.

The first issue Plaintiff asks the court to resolve is what was the intent of the California Legislature in creating the trust and granting the tidelands to the City as trustee under Statute 937 of the laws of 1931.

Plaintiff then seeks a determination of whether the City has violated the trust, and if so, as trustee, has the City breached its fiduciary duty to the people of California. Last, Plaintiff seeks injunctive relief in the event of findings in Plaintiff's favor.

LEGISLATIVE INTENT OF THE TRUST

The legislative intent in enacting the 1931 Trust, when viewed in light of the factual history of the Children's Pool, as set forth above, is clear. When the one-plus acre was entrusted to the City, it consisted of a breakwater and appurtenances that created a sheltered area of Pacific Ocean shoreline. This sheltered area was created so that children could safely swim in the ocean without being subjected to crashing waves, undertow and rip currents, all of which pose a danger to children and neophyte swimmers. The Trust was intended to convey to the City an artificial ocean water pool suitable for the use of children. As the recipient of the Trust and the Pool, it became the obligation of the City to maintain the Trust property in a manner suitable for its intended uses and purposes.

Reference to the wording of the Trust further demonstrates the legislative intent. The Trust conveys the land, with children's pool constructed thereon: "For the uses and purposes and upon the express conditions following, to wit: (a) That said land *shall be devoted exclusively to public park, bathing pool for children*, parkway, highway, playground and recreational purposes, and *to such other uses as may be incident to, or convenient for the full enjoyment of, such purposes.*" [Emphasis added.] Recognizing that a bathing pool for children existed on the land when the Trust was created and that the land was situated adjacent to a public park, and would be an extension of same, the legislative intent was clear. The entrusted land *shall* be used *exclusively* for a public park

which includes a children's pool, and that the purpose of that use shall be recreational.

The City contends that the Trust should be read broadly and the Legislature must have vested the City with discretion as fee owner and trustee in its management of the Trust to determine the uses that are most compatible with changing conditions and public needs. The City asserts that extrinsic evidence, including the survey of the Trust boundaries and the historical information related to Ellen Browning Scripps' gift, confirms that the Legislature intended a broad reading of the Trust in which the Trust permits the use by both humans and seals. Other than the bald assertion, the City provides no evidence in support of its contention. Reading the Trust "broadly" or "narrowly" does not change the wording of the Trust, which is controlling.

A local entity that is the recipient of trust property must use the property in compliance with the terms of the Trust. The City is a trustee of the property and as such "assumes the same burdens and is subject to the same regulations that appertain to other trustees of such trusts." (Long Beach v. Morse (1947) 31 Cal. 2d 254, 256). The Trust is specific. It requires the Trust lands to be used for a children's pool. "Children's pool" is listed in the conjunctive with the other permitted purposes and uses set forth in the 1931 grant. Any discretionary use by the City must be "incident to, or convenient for the full enjoyment of, such *purposes* [plural]." If a use of the property is inconsistent with any of the *purposes*, it is not a permitted use.

The Trust is to be used exclusively for a public park and children's pool. The presence or absence of marine mammals, or other animals for that matter, does not change the use of the beach and tidelands specified by the Trust grant. The use by the City of the Children's Pool as a habitat, animal sanctuary, zoo or seal watching facility that precludes its being used as a bathing pool for children would be outside the scope of the Trust.

THE CITY'S BREACH OF THE TRUST

A comparison of photographs of the Pool when first constructed and today, well demonstrates that the City has failed to maintain the trust property in a condition similar to when the property was conveyed. Photos demonstrate that the Pool originally was a pool of water sheltered by the breakwater and adjacent to a relatively small strip of sand beach. Today the beach extends out almost to the end of the breakwater. In effect, the breakwater no longer serves to protect the swimmers and bathers in the water, but rather the sand beach has, over the years, filled in most of the Pool. [Exhs. 35 & 228.] In reality, Children's Pool is no longer a safe pool of ocean water for children to use.

There also exists another safety issue at Children's Pool, and that is pollution. The evidence is un-contradicted that the water inside the breakwater is polluted and the public has been advised, from 1997 to the present, not to enter the water at Children's Pool because it poses a health risk. The evidence is also un-contradicted that the beach itself is a repository for sufficient amounts of seal feces to potentially pose a health hazard to persons, and particularly children, using the beach at Children's Pool.

In its present condition, the land granted by the 1931 Trust is not suitable for the uses enumerated in the grant. Because of the unhealthy condition of the sand and water, the Children's Pool area is not suitable for use as a public park, bathing pool for children or a recreational area. That being the case, has the City breached the Trust by not restoring the trust lands to a usable state? The plaintiff contends that it has.

Plaintiff reads the trust grant as according the public, as its beneficiaries, access to and use of the Children's Pool, and argues this use by the public has been thwarted by the City's conduct and failure to act while trustee of the Children's Pool. Plaintiff's position is supported by the facts and the law. As a trustee, the City has an obligation to "administer the trust with reasonable care, skill, and caution under the circumstances then prevailing

that a prudent person acting in a like capacity would use in the conduct of an enterprise of like character and with like aims to accomplish the purposes of the trust as determined from the trust instrument." (Cal Prob. Code § 16040.)

Plaintiff cites to the fact that since at least 1997, Hubbs-SeaWorld has been engaged in a rescue, rehabilitation and release program under the aegis of the National Oceanographic and Atmospheric Administration or its sub-agency, NMFS. [Exh. 245.] That program consists of retrieving injured or diseased animals, rehabilitating them at SeaWorld in San Diego, and, upon return to health, and after tagging, releasing them in Pacific waters. The release of harbor seals is accomplished generally in the kelp beds immediately outside the Children's Pool. Tagged harbor seals are routinely observed hauling-out at the Children's Pool. Once it was determined that the released seals were impacting the use of the Children's Pool, the City took no steps to protect the Pool from becoming a haul-out for such seals.

The number of seals at the Children's Pool was minimal, if any, at the time of the creation of the breakwater and the Trust grant. Starting in the early 1990's, seals came to reside in the general area of Children's Pool in growing numbers. During that time frame, the City undertook the designation of the ocean and reef immediately adjoining Seal Rock as a reserve in order to accommodate the seals in that area. The Reserve is within a hundred yards or less of the area granted as the Children' Pool. In such close proximity, the seals, based on counts, seem to prefer the Children's Pool to Seal Rock as a haul-out. Over time, the seal population at Children's Pool has grown to where it now exceeds 200 during portions of the year. Photographs show seals on the beach across the entire width of Children's Pool at the edge of the water. [Exh. 399.]

During the 1990's, seal feces came to pollute the beach and adjoining waters. The County of San Diego, Department of Environmental Health, regularly tests the waters along the San Diego coastline. In 1997, the County

determined the waters at Children's Pool were so polluted that the Pool was officially closed to public swimming in March, 1997. [Exhs. 628, 634.] It is undisputed that the cause of the contamination of the waters at Children's Pool is seal feces.

The County tests the water for three contaminants: total coloform, fecal coloform and enterococcis. These bacteria contain pathogens, which can produce serious illnesses. [Exhs. 163, 265.] In 1997, the waters at Children's Pool contained sufficient numbers of these pathogens that the Pool was unsafe. That contamination continues unabated to the present time.

Until 1999, the County, by statute, could only post a beach with polluted water as "Closed." In 1999, the Legislature enacted AB 411. It provided for two categories of warning: "Closed" and "Advisory." The distinction between these warnings is principally the source of the contamination. Contamination from human sewage requires a "Closed" warning. Contamination from non-human sources, such a seal feces, requires an "Advisory" warning.

In 1997, the County posted signs warning that the beach was closed for water activities. Despite the fact that in 1999, with a change in the law, "Advisory" signs should have been posted, the "Closed" signs remained up until 2003. [Exh. 417.]

Since the source and level of the pollution remains constant most of the time at the Children's Pool, the County put the Pool on a chronic advisory status. The County has classified the Children's Pool as being polluted 365 days per year, from 1997 to the present. The next most contaminated beach, in terms of days of closure or advisory, has been the Tijuana River Slough, which is polluted on average 149 days a year. [Exhs. 197, 198, 199.]

As the number of seals increased at Children's Pool, and with the constantly polluted condition of the Pool, the number of swimmers using the Pool since the early 1990's has decreased significantly. Public use of the

Children's Pool has been severely restricted because of the presence of the seals and the resulting pollution.

The next biggest cause of actual or constructive closure of the Children's Pool was the City's decision to erect a rope barrier cutting off public access to the Pool. On March 29, 1999, the City Council rejected the City Manager's recommendation to dredge the Pool and restore the Pool to the uses set forth in the Grant, and instead voted to rope off the Pool. In doing so, the City breached its obligations under the Trust, as trustee of the Children's Pool. Instead of returning the Pool to its original and safer configuration and also rectifying the unhealthy condition of the water and sand at the Pool, the City barred the use of the Children's Pool as a "public park, bathing pool for children, . . . and [use for] playground and recreational purposes," as expressly required by the 1931 Trust. The rope remained up from March 1999 until September 17, 2004.

Besides the official barrier established by the City to deny public access to the Children's Pool, the general condition of the Pool area, with seal feces in the sand, the occasional dead seal rotting on the beach until washed out to sea by a high tide, and the presence of warning signs, all served to deter the public, beneficiaries of the trust grant, from using the beach. To this day, numerous signs are posted in and about the area of the Children's Pool, warning the public that bacteria levels exceed safety standards and that swimming is allowed but not recommended. [Exh. 410.] All of these factors, when taken together, conclusively establish that practically, as well as constructively, access to the beach has been denied to the intended beneficiaries of the trust grant, including children, swimmers, fishermen and the public generally.

The City has taken the position that it has fulfilled its duties as the trustee of the Children's Pool, which it admits is a unique piece of property. The City argues that it has attempted to reasonably and delicately balance the competing interests of its citizens and its legal duties in light of all the available

information. The City contends that Plaintiff merely wishes to impose her own personal opinion upon the discretion of the City as trustee, to the detriment of a broader range of unspecified recreational purposes. The City further contends that Plaintiff is merely the representative of a "small, elite special interest group" and that the Plaintiff seeks a result which is contrary to the Legislature's intent of preserving a broad range of permissible recreational and other purposes for the property. The City also argues that Plaintiff's requested relief, to order the City to remove the seals from their "natural habitat," is prohibited by the Marine Mammal Protection Act (hereinafter "MMPA") and the doctrine of separation of powers.

The City's position is refuted by its own evidence. As pointed out above, the City Manager has repeatedly advised the City that the 1931 grant of the Children's Pool is for the public to have use of a unique sheltered pool in the ocean, with particular emphasis on its being used by children. Further the City has been repeatedly advised by its City Manager and NMFS that the City can take appropriate action to remediate the safety and health situation at Children's Pool without violating the MMPA.

The MMPA outlaws the "taking" of marine mammals, which can consist (under Section B harassment) of an act of pursuit, torment or annoyance, which has the effect of disrupting a marine mammal in the wild from its natural environment. Exceptions exist under §109(h), which permit such taking, even without a permit from the Department of Commerce, in the case of damage to public or private property, or threats to public health or safety by the animals or by non-lethal measures, should the marine mammals constitute a nuisance. The City knew as early as 1997 that under these exceptions it could deter the seals at the Children's Pool. [Exh. 634.] The City voted to take no action to protect the Children's Pool.

As early as 1999, the West Coast Administrator of NOAA, James Lecky, wrote Terry Williams at the City to advise the City that provisions existed in the

federal law that permitted the City to address human health and safety issues posed by marine mammals. [Exh. 205.] Mr. Lecky repeated this advice to the City on numerous subsequent occasions. The City has elected not to avail itself of the applicable provisions of federal law that would permit it to address the health and safety issues presented at Children's Pool. To this date, those conditions persist unabated.

Plaintiff also contends that "Pro-seal activists" have been permitted by the City to conduct themselves in a manner that effectively denies access to the Children's Pool to swimmers, fishermen and other users of the Pool, beach and adjoining areas. The evidence shows that certain individuals have engaged in uncivil, and on occasion, illegal conduct. They have stalked intended users of the Pool with cameras and other devices in order to heckle and harass them. [Exh. 403.] There have been instances of verbal and physical abuse and violence. On several occasions, the San Diego Police have been called to the scene. One person, in attempting to discourage people from using the Children's Pool, has been arrested at least twice and is the subject of three restraining orders from this court. Private parties requested two of them and City lifeguards on duty at the Pool requested the other. That restraining order was issued in July 2005.

It is clear that these activities do discourage people from using the Children's Pool. However, the evidence is that the San Diego Police and Lifeguards are responding to complaints of harassment and are enforcing city and state laws when violations occur. Based on the record before this court, a restraining order will not be issued imposing any requirements or restrictions on City law enforcement personnel or directing the City to take any additional steps or refrain from any particular conduct in regard to members of the public expressing their opinions at the Children's Pool.

BREACH OF FIDUCIARY DUTY

Plaintiff next contends that the City as trustee has knowingly and willfully violated its fiduciary obligations to its beneficiaries. As a basis for this claim, Plaintiff cites to the City closing the beach in 1997, which it claims it has never reopened. The lifeguards have not been kept current on the official status of the Children's Pool. The City knew of the release of harbor seals near the Children's Pool by Hubbs-SeaWorld and did nothing about the build-up of seals at the Pool. The City violated the right of the public to have access to the beach by roping off the beach to the public. The City kept the rope in place from 1999 until late 2004. [Exh. 321.] The City failed to prosecute violations of its own municipal codes, ordinances and regulations that would regulate the presence and activities of activists at the beach, including use and placement of signs, harassment of the public and other similar activities.

As further evidence of breach, Plaintiff contends that the City failed to place wordage required by San Diego County on signs it posted at Children's Pool. The City assured the County in 2003 it would incorporate the required wordage on the new signs posted at the Children's Pool. The County also left approximately 12 copies of the new required County sign with the City, with the understanding the signs would be installed at the Children's Pool. The signs were not installed as promised. Also, the sign created by the City did not contain the warning information required by the County. The County had to personally install the correct signs at Children's Pool. [Exh. 409.]

The City responds to Plaintiff's contentions by arguing that "[a]s trustee, the City is held to administer the Trust with reasonable care, skill, and caution under the circumstances then prevailing. The evidence has clearly shown that the City has and continues to draw from all the available resources in determining the best way in which to manage the trust property." [City's Written Argument at 10.] To the contrary, the evidence is that the City has taken no steps to manage the property so as to preserve the Children's Pool for

the purpose and uses for which its was constructed and granted to the City as trustee for the people of California.

The City attributes the "current condition" at the Children's Pool as "merely a result of the natural evolution of undisturbed conditions in the area, including the seals' natural behavior to haul out on the beach. . . . Therefore, the City has taken and continues to take all reasonable steps available under these unique circumstances to address the difficult and delicate issue of how to manage the Trust area." [Id at 11.]

As shown in some detail in the first portion of this decision, the Children's Pool is not a "natural condition." It is a man-made, artificial condition that transformed a very small portion of the Pacific Ocean shoreline from open-ocean conditions, subject to significant wave action, undertow and rip currents, to an enclosed area protected from such ocean conditions. The former condition can present a danger to novice swimmers, especially small children, while the latter creates an ocean swimming experience but with the safety attributes similar to a municipal swimming pool.

As to the City's contention that it has taken "all reasonable steps" to manage the Trust, this contention is not supported by the evidence. As discussed above, the Children's Pool is no longer a pool, since most of the area for the Pool is now filled with beach sand. What water there is in the Pool is toward the end of the Pool and is subject to rip currents and other ocean-water dangers. It is no longer the sheltered Pool that was created by the breakwater in 1931. "[T]he public interest in the [San Diego] tidelands--which the City holds in trust for the people of the State of California--necessarily includes their protection and preservation." (State of California ex rel. California State Lands Comm'n v. City of Long Beach (2005) 125 Cal. App. 4th 767, 779.) The City has failed to preserve and protect the tidelands subject to the 1931 grant, to wit: the Children's Pool.

There is no evidence the City has ever removed the sand build-up in the Pool since it has "managed" the trust area. Likewise, since the Pool water became unsafe for human use in 1997, the City has taken no steps to eliminate the pollution in the Pool. There is no evidence before this court that removing the sand build-up or reducing the pollution level of the Pool water is impossible, or unreasonably difficult or expensive. To the contrary, the City Manager has recommended on numerous occasions that the City undertake these very steps of reasonable management, which the City has failed to do.

Therefore the court concludes that the 1931 Grant requires, at a minimum, the Children's Pool be reasonably available for the purposes and uses specified by the State of California in the Grant. This requires the City to manage and maintain the granted lands for the use of the people of California, the beneficiaries of the Grant. This includes swimming, fishing and related recreational pursuits. The Pool has not been available for such uses since 1997. The City has failed to restore the property for such uses despite the fact it has had the means and ability to do so. The City has breached its obligations as trustee under the 1931 Trust.

Plaintiff asks this court to order the City to remove a surveillance camera, which had been installed at the Pool. The camera is intended to assist the City in policing the Children's Pool and the surrounding area. Plaintiff contends that photographing people making recreational use of a public recreational facility is unwarranted and poses an additional and significant deterrent to the free, open and public-recreational use of the property. The use of such a camera in a public facility, for which the City is obligated to provide police protection, rests within the sound discretion of the City. No evidence of abuse or improper use of the camera has been show. Based on the record before the court, no restrictions on the use of the camera will be imposed.

REMEDIES

As stated above, the court will not order the City to modify its law enforcement activities at the Children's Pool or remove the surveillance camera located at the Pool. The City argues this court does not have the authority to order it to take any action in regard to the Pool, because such actions would be discretionary. If the Children's Pool were a "natural" beach, as argued by the City, such a position might have merit. This court probably would not order the City to clean up a dirty or contaminated "natural" beach where the City was not the direct cause of the contamination.

However, the Children's Pool is not a "natural" condition. It is a man-made, artificial condition, which was entrusted to the City for specific uses and purposes. The City has knowingly declined to remove sand from the Pool, even though the sand has reached the point where the Pool in reality cannot be used for its intended purpose. Although the City has approved requests to study the removal of the sand, even as recently as September of 2004, it has consistently failed to remove the sand that has been building-up for the last 70 years.

The presence of unhealthy levels of bacteria from seal feces in the pool water has been consistently left un-addressed by the City. The substantial increase in the number of seals using the Children's Pool seems to have some relationship to the actions or inactions of the City. The creation of the Reserve in close proximity to the Children's Pool and the release by Sea World of rehabilitated harbor seals in the kelp beds off-shore of the Pool, seem to have contributed to an increasing number of seals using portions of the Children's Pool in the mid-1990's. The City's decision to separate the seals from humans and then closing off the Pool to humans, likewise appears to have encouraged the seals to occupy more and more of the beach with ever increasing numbers.

The occupation of the Children's Pool does not seem to be a "natural" phenomenon. According to the evidence at trial, Children's Pool is the only public beach in California that has been taken over by seals. The City was

warned in 1997 that if it did not discourage the seals from hauling-out at the Children's Pool, the number of seals present at the Pool would greatly increase. In response to the situation, the City put up barriers to keep the public out of the Pool area. To date, the City has taken no steps to reduce the level of pollution at Children's Pool.

Therefore, in order to protect the rights of the people of California to the full use and enjoyment of a unique asset, the Children's Pool, the City, as trustee of the Children's Pool, is hereby ordered to employ all reasonable means to restore the Pool to its 1941 condition by removing the sand build-up and further to reduce the level of water contamination in the Pool to levels certified by the County of San Diego as being safe for humans.

Nothing contained in this order shall be construed as requiring the City to violate any law, rule or regulation of any federal, state or county government. The court will maintain jurisdiction to oversee compliance with this order. This order shall be fully complied with no later than six (6) months after the date this order is issued. The City is directed to file a report with this court, no later than sixty (60) days following entry of this order, setting forth what steps it has undertaken and intends to undertake to comply with this order.

IT IS SO ORDERED.

Dated: August 25, 2005

JUDGE WILLIAM C. PATE
Judge of the Superior Court

From:	John Leek
To:	ChildrensPool@Coastal
Subject:	Fwd: Fwd: PRA - Children"s Pool
Date:	Saturday, April 13, 2019 10:16:01 AM
Attachments:	Beach Water Quality Information.pdf EH-310_PRA.xlsx

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Please include this email and its attachments in the public file for Children's Pool access denial permit renewals.

-------- Forwarded Message --------
Subject: Fwd: PRA - Children's Pool
Date: Mon, 4 Mar 2019 22:31:44 -0800
From: John Leek <jleek001@san.rr.com>
To: Lasiter, Melody@Coastal <melody.lasiter@coastal.ca.gov>

I misquoted from memory what the "postable" bacteria levels are. Below is my last correspondence with County Health folks who actually do the testing. It is is quite complicated and historic summaries are "dumbed down" for public consumption in some beach reporting websites. I tracked these folks down when we found advisory signs posted right on the CP beach next to the Rope posts. They were clearly set there to inhibit the public from crossing the rope and I complained to Ms Venegas who said she would look into it but 12/15 came up and it no longer mattered and the signs soon got swept away with the tide.
The good water quality results the City claimed in their slide show do not match the line below from 11/30/18 "Both historical and more recent sampling data confirms that water quality does not typically meet State Health Standards at this location. Furthermore, after observation of an increased number of people entering the water at this location – perhaps visitors who were unaware of the chronic Advisory – it was determined that the permanent metal signs may not be sufficient for proper public notification. "

-------- Forwarded Message --------
Subject:PRA - Children's Pool
Date: Tue, 4 Dec 2018 00:14:11 +0000
From: Edwards, Dominique <Dominique.Edwards@sdcounty.ca.gov>
To: John Leek <jleek001@san.rr.com>
CC: Palmer, Joseph <Joseph.Palmer@sdcounty.ca.gov>, Purcell, Dennis <Dennis.Purcell@sdcounty.ca.gov>

Hello Mr. Leek,

Good afternoon.

In the handout I attached on the last email (attached once again to this email), the State Health Standards are listed. Here they are for quick reference:

Single Sample Standards:

Total Coliforms = 10,000 MPN/100ml
Fecal Coliforms = 400 MPN/100ml
Enteroccoci = 104 MPN/100ml
Fecal/Total ratio: If Total Coliforms >1,000 and ratio is >0.1

30 day Geomean Standards:

(~average of 5 or more samples in 30 days)
Total Coliforms = 1,000 MPN/100ml
Fecal Coliforms = 200 MPN/100ml
Enteroccoci = 35 MPN/100ml

Advisory/Closure signs are to be posted in conspicuous locations. The signs posted at Children's Pool are within the sampling zone for that particular location. Children's Pool remains in a Chronic Advisory due to elevated levels of bacteria – as reflected by a culmination of the data our program receives and reviews. The signs currently posted at that location *do not* say anything different than what has been indicated on previous signage. I copied the program team: Joseph Palmer, program Supervisor, and Dennis Purcell, program sampling technician – as indicated on our website.

I compiled April 2018 data and attached it to this email – again, you may access beach water quality data, including La Jolla Cove (as you mentioned) on the State website:

https://www.waterboards.ca.gov/water_issues/programs/beaches/search_beach_mon.html

For questions regarding the total maximum daily load (TMDL), the State Water Resources Control Board coordinates the TMDL program. Here is a link with some resources:
https://www.waterboards.ca.gov/sandiego/water_issues/programs/tmdls/tmdlfactsheet.html

Heal the Bay's beach survey summaries are not used to drive beach management decisions for our program. Please contact them directly with any questions you may have regarding their reports.

I hope this information helps clarify the questions in your previous emails.

Thank you,

Dominique

Dominique Edwards, MPH, REHS | Beach and Bay Monitoring Program | Land and Water Quality Division

county of san diego, dept. of environmental health | Tel: 858-495-5579 | www.sdbeachinfo.com

Help us make sure our customers have a positive experience. Please take 60 seconds to provide us with your feedback.

From: John Leek [mailto:jleek001@san.rr.com]
Sent: Monday, December 03, 2018 11:50 AM
To: Edwards, Dominique <Dominique.Edwards@sdcounty.ca.gov>
Subject: Re: PRA - Children's Pool

Reviewing data I have received, I find I lack the Results from April 2018. My fault, I did not ask for them. I have to ask what are the 3 indicator organism State Health Standards numeric values not one of which must be exceeded, and did values for TMDL ever get determined for San Diego beaches? One other perpetually chronic posted beach in California that comes to mind is Imperial Beach but that is a different problem set.

On 12/1/2018 8:54 AM, John Leek wrote:

Thank you very much for your attention and the raw data you initially sent. Greatly appreciated. I did look at the flyer you sent but it does not describe the procedures you say were followed. Yet it specifically states "Signs are typically posted 50 yards (150 feet) either side of a sampling location where water quality does not meet State standards." La Jolla Cove just north has also been posted directly on the sand many times in the past few years, clearly due to sea lion fecal content, yet that beach whose citizen water access dwarfs that of Children's Pool is never posted more than a few days, often less because of immediate retesting.
I may be bothering the wrong person. Did you yourself review data and water entry statistics and determine an override of normal posting procedures was required? A public health emergency? Your wording was "may not be be sufficient for proper public notification." That speaks of conjecture. Perhaps it was the Palmer or Purcell individuals you copied that determined there was some such an emergency. Or someone else?

The link you gave before does now show me content, but statewide overall estimations of Mile-days. it states nothing specific. It links to "Heal the Bay" which does a good job of dumbing down the complex information, for the public. Curiously, Heal the Bay grants an A or A+ rating to the Children's Pool save for mid September, but I was there - there was a sewage spill from the new bathroom construction.
About Heal the Bay. Is it an official funded function of the State Water Board,? It does not say so and it offers estimations for beaches all the way to Canada.

On 11/30/2018 2:40 PM, Edwards, Dominique wrote:
Hello John,
Good afternoon.
The Department of Environmental Health – Beach and Bay Water Quality Monitoring Program and the City of San Diego conduct bacterial testing at Children's Pool. If one of the indicator organisms tested for (total coliform, fecal coliform, enterococci bacteria) exceeds State Health Standards, the Department of Environmental Health – Beach and Bay Water Quality Monitoring Program is required to post warning signs at the beach. Please see the attached handout regarding the State Health Standards and signage. You may also visit the California State Water Resources Control Board webpage regarding such information:
https://www.waterboards.ca.gov/water_issues/programs/beaches/beach_water_quality/
I believe the 4 additional Advisory signs you are referring to are the ones adjacent to the rope that is in place? The Department of Environmental Health – Beach and Bay Water Quality Monitoring Program posted the Advisory signs. As I previously mentioned, a chronic Advisory has been in place at Children's Pool since September 1997. Both historical and more recent sampling data confirms that water quality does not typically meet State Health Standards at this location. Furthermore, after observation of an increased number of people entering the water at this location – perhaps visitors who were unaware of the chronic Advisory – it was determined that the permanent metal signs may not be sufficient for proper public notification.
I am personally unaware of any other beaches in California with chronic Advisories – but, I would encourage you to check with other beach management programs regarding that information.

I apologize that the State's public website is not working for you. Instructions provided to us suggest that the browser's cache and cookies are cleared and Internet Explorer is the preferred browser.
Please let me know if you have any additional questions.
Thank you,
Dominique

Dominique Edwards, MPH, REHS | Beach and Bay Monitoring Program | Land and Water Quality Division
county of san diego, dept. of environmental health | Tel: 858-495-5579 | www.sdbeachinfo.com
Help us make sure our customers have a positive experience. Please take 6o seconds to provide us with your feedback.

From: John Leek [mailto:jleek001@san.rr.com]
Sent: Thursday, November 29, 2018 4:00 PM
To: Edwards, Dominique <Dominique.Edwards@sdcounty.ca.gov>
Subject: Re: PRA - Children's Pool

Thank you very much for the spreadsheet. The link below that was to get me directly to water quality data seems not to function.
Yes, I do have other questions. It seems you are the man. I had earlier asked for communication between your department and Park and Recreation department, and that was not necessarily the agency that would be involved.
So asking directly, who and why did someone place 4 more advisory signs on Children's Pool Beach? Raising the notice level from one sign to 5 did not seem to have to do with any increase in bacteria counts. And what other beaches in California have had advisory posting for 20 years, or even 1 year? (not Mexican beaches) I was under the impression posting procedures were specified in State water quality law. Should I be talking to California Water Board for San Diego?

On 11/28/2018 12:19 PM, Edwards, Dominique wrote:
Hello Mr. Leek,
As per your request on 11-28-2018, the monthly shoreline data for the last 6 months (May 1, 2018 – November 1, 2018) is attached to this email. Please note that you may access beach water quality data of interest at the following location:
https://www.waterboards.ca.gov/water_issues/programs/beaches/search_beach_mon.html
There are no written communications between the Department of Environmental Health – Beach and Bay Water Quality Monitoring Program and the City of San Diego Parks and Recreation Department concerning advisory signs at the Children's Pool in La Jolla.
If you have any other questions or request clarification as to when advisory signs are posted, please let me know.
Thank you,
Dominique

Dominique Edwards, MPH, REHS | Beach and Bay Monitoring Program | Land and Water Quality Division
county of san diego, dept. of environmental health | Tel: 858-495-5579 | www.sdbeachinfo.com
Help us make sure our customers have a positive experience. Please take 6o seconds to provide us with your feedback.

County of San Diego Beach Water Quality

DEPARTMENT OF ENVIRONMENTAL HEALTH

Land and Water Quality Division
Beach and Bay Monitoring Program

For the current status on coastal water quality in San Diego County, visit **www.sdbeachinfo.com** or call **(619) 338-2073**.

DEFINITIONS:



GENERAL (RAIN) ADVISORY FOR ALL COASTAL WATERS:

A General Advisory is issued after 0.2 inch or more rain is received to alert the public of potential ocean and bay water contamination by urban runoff. Bacterial levels can increase significantly during and after rainstorms in ocean and bay waters, especially near storm drain, river, and lagoon outlets. **The Department of Environmental Health advises beach users to avoid contact with ocean and bay waters for at least 3 days (72 hours) after rainfall ends.** While many coastal outlets (storm drains, rivers, and lagoons) within San Diego County are permanently posted with white metal warning signs, additional temporary warning signs are not posted for General Advisories.



CLOSURES:

A water contact Closure is issued anytime a reported sewage spill impacts or may impact ocean or bay recreational waters. Closures are also issued whenever the Tijuana River discharges to the ocean as the Tijuana River is known to be impacted with sewage. Sewage contaminated water may contain human pathogens that can cause illnesses. **The Department of Environmental Health advises beach users to avoid contact with ocean and bay waters in the closure area and where closure signs are posted.**



ADVISORIES / WARNINGS:

A water contact advisory/warning is issued when monitoring reveals ocean or bay water quality does not meet State standards due to high bacterial levels, or during the excavation of a coastal outlet (river or lagoon) when potentially contaminated water is released to the ocean. Beach water quality monitoring uses bacterial indicators to test for the presence of possible pathogens. The bacterial indicators are not specific to humans, and may be from other sources including wildlife, pets, soil, and rotting vegetation such as kelp. However, ocean or bay waters with elevated bacterial levels may contain human pathogens that can cause illnesses. **The Department of Environmental Health advises beach users to avoid contact with ocean and bay waters where advisory/warning signs are posted.** Signs are typically posted 50 yards (150 feet) either side of a sampling location where water quality does not meet State standards.

BEACHES WITH URBAN RUNOFF FLOWS DURING DRY WEATHER:

As a precaution, avoid contact with runoff and recreational waters within at least 75 feet from where runoff enters ocean or bay waters during dry weather.

TO REPORT ILLEGAL DISCHARGES TO STORM DRAINS: call **(888) 846-0800**

www.sdbeachinfo.com

Recreational Water Monitoring Program

Where is it safe to swim? Southern California beaches are generally clean and safe for recreation as indicated by water quality monitoring. Storm water runoff can make beaches unsuitable for swimming or surfing for at least 72 hours after a rainstorm. Beaches impacted by urban runoff from storm drains, streams and rivers should be avoided. Signs are posted warning not to swim at locations where water does not meet standards or sewage contamination has occurred.

What do we test for? Total Coliform, Fecal Coliform and Enterococcus bacteria.

What are they? Indicators of possible disease producing bacteria/viruses/protozoa (also known as pathogens)

Where do they come from?

Environment-soils, decaying vegetation
Storm water/urban runoff - sources vary
Animal wastes-birds, dogs, cats, seals
Humans-sewage, kids with diapers, shedding from body

What are the standards?

- Single Sample standards:
  - Total Coliforms: 10,000 organisms per 100 ml. sample
  - Fecal Coliforms: 400 organisms per 100-ml. sample
  - Enteroccoci: 104 organisms per 100 ml. sample
  - Fecal/Total ratio: If total coliforms >1,000 & ratio > 0.1
- 30-day geomean standards: (5 or more samples in 30 days)
  - Total Coliforms: 1,000 organisms per 100 ml. sample
  - Fecal Coliforms: 200 organisms per 100-ml. sample
  - Enterococci: 35 organisms per 100-ml. sample

What pathogens may be found in swimming waters contaminated with sewage and possibly in runoff?

Pathogenic Agent	**Disease**	**Pathogenic Agent**	**Disease**
Bacteria		**Viruses**	
E. Coli	Gastroenteritis	Rotavirus	Gastroenteritis
Salmonella typhi	Typhoid fever	Norwalk virus	Gastroenteritis
Other Salmonella Species	Various enteric fevers (also called paratyphoid), gastroenteritis, septicemia (generalized infections in the bloodstream)	Coxsackie virus (some strains)	Various including severe respiratory disease, fever, rashes, paralysis, meningitis
Shigella dysenteriae and other species	Bacterial dysentery	Adenovirus	Respiratory and gastrointestinal infections
Vibrio cholera	Cholera	Echovirus	Various, similar to coxsackie virus (evidence only in experimental animals)
Protozoa (**Intestinal Parasites**)		Polio Virus	Poliomyelitis
Cryptosporidium	Diarrhea- Crytosporidiosis	Hepatitis A	Infectious hepatitis (liver malfunction), also may affect kidneys and spleen
Giardia lamblia	Diarrhea- Giardiasis		

What happens to bacteria/viruses/protozoa in swimming waters?
Die-off due to sun (ultraviolet light), salt water exposure (osmotic forces), age, dilution, predation by other organisms

What is the recent water quality trend at each location based upon the monitoring data?
Visit the Heal the Bay web page at www.healthebay.org and select the *Beach Report Card*.

What beaches are currently posted?
Visit San Diego County's Mobile Web App (website) at www.sdbeachinfo.com or call the San Diego County Beach and Bay Status Hotline for an update of current water quality status at (619) 338-2073. For more information, go to www.sdbeachinfo.com on your computer, tablet or smart phone.

Station Name	Description	SampleDate	SampleTim	parameter	qualifier	Result	unit
EH-310	Children's Pool	4/3/2018	8:46:00	Total Coliforms	E	360	MPN/100ml
EH-310	Children's Pool	4/3/2018	8:46:00	Fecal Coliforms	=	100	MPN/100ml
EH-310	Children's Pool	4/3/2018	8:46:00	Enterococcus	E	4	MPN/100ml
EH-310	Children's Pool	4/9/2018	8:35:00	Enterococcus	E	6	MPN/100ml
EH-310	Children's Pool	4/9/2018	8:35:00	Total Coliforms	E	40	MPN/100ml
EH-310	Children's Pool	4/9/2018	8:35:00	Fecal Coliforms	E	8	MPN/100ml
EH-310	Children's Pool	4/10/2018	8:22:00	Total Coliforms	E	80	MPN/100ml
EH-310	Children's Pool	4/10/2018	8:22:00	Fecal Coliforms	E	16	MPN/100ml
EH-310	Children's Pool	4/10/2018	8:22:00	Enterococcus	E	2	MPN/100ml
EH-310	Children's Pool	4/17/2018	8:43:00	Total Coliforms	E	20	MPN/100ml
EH-310	Children's Pool	4/17/2018	8:43:00	Fecal Coliforms	E	2	MPN/100ml
EH-310	Children's Pool	4/17/2018	8:43:00	Enterococcus	E	4	MPN/100ml
EH-310	Children's Pool	4/24/2018	8:33:00	Total Coliforms	=	80	MPN/100ml
EH-310	Children's Pool	4/24/2018	8:33:00	Enterococcus	<	2	MPN/100ml
EH-310	Children's Pool	4/24/2018	8:33:00	Fecal Coliforms	E	4	MPN/100ml

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WARNING !
MAY CAUSE ILLNESS
BACTERIA LEVELS EXCEED
HEALTH STANDARDS
¡ AVISO !
EL CONTACTO CON ESTA AGUA
PUEDE CAUSAR ENFERMEDADES LA
CANTIDAD DE BACTERIAS EXCEDE
LOS NIVELES DE SALUD
COUNTY OF SAN DIEGO
DEPT. OF ENVIRONMENTAL HEALTH


WARNING !
ONTACT WITH THIS WATER
MAY CAUSE ILLNESS
BACTERIA LEVELS EXCEED
HEALTH STANDARDS
¡ AVISO !
EL CONTACTO CON ESTA AGUA
PUEDE CAUSAR ENFERMEDADES LA
CANTIDAD DE BACTERIAS EXCEDE
LOS NIVELES DE SALUD
COUNTY OF SAN DIEGO
DEPT. OF ENVIRONMENTAL HEALTH
PARA MAS INFORMACION
LLAME AL (619) 338-2073
THE CITY OF SAN DIEGO
WELCOME TO THE CHILDREN'S POOL
Be respectful of the seals in this area
SHARE THE BEACH WITH THE SEALS but keep a safe distance.
The beach and waters are open for public enjoyment.
Please view seals from behind the rope guideline.
50 feet is the minimum recommended viewing distance
STAY BACK - MOVE SLOWLY
Wild animals are unpredictable and may bite.
Get too close and you may frighten the seals.
This could cause pups to be abandoned.
assing, disturbing, or causing seals to flush is a violation of Federal and
Local Law and may lead to a citation.
WARNING/ADVISORY
Contact with water may cause illness as bacteria levels exceed California
State health standards. Call the San Diego County Department of
Environmental Health @ (619) 338-2073 for more information.

From:	John Leek
To:	ChildrensPool@Coastal
Subject:	Fwd: Fwd: RE: Its that time of year again
Date:	Saturday, April 13, 2019 10:22:17 AM
Attachments:	Harassment Incidents 5-15-2016 thru 12-15-2016.pdf Harassment Incidents 5-16-2017 to 12-14-2017.pdf Harassment Incidents 5-16-2018 to 12-14-2018.pdf Harassment Incidents during Beach Closure 12-15-2015 to 5-15-2016.pdf Harassment Incidents during Beach Closure 12-15-2017 to 5-15-2018.pdf Harassment Incidents during Beach Closure 12-16-2016 thru 5-15-2017.pdf

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Please include this email and its attachments into the public record of comment on the Children's Pool access denial permits to be renewed in June.

-------- Forwarded Message --------
Subject: Fwd: RE: Its that time of year again
Date: Fri, 8 Mar 2019 23:48:10 -0800
From: John Leek <jleek001@san.rr.com>
To: Lasiter, Melody@Coastal <melody.lasiter@coastal.ca.gov>

Last year I asked Belesky to fill me in a couple years of harassment incident reports. By that time he was spending a lot of his time in the office. Either incidents had tapered off because of public education, or he was only there 3 times a day for 10 minutes and didn't see that much. You would have to ask him. It made no economic sense to pay him to spend all day at the beach when no incidents of harm or malice were happening and he had no authority to write citations anyway (not being a federal officer).
-------- Forwarded Message --------
Subject:RE: Its that time of year again
Date: Wed, 16 Jan 2019 19:52:23 +0000
From: Belesky, Richard <RBelesky@sandiego.gov>
To: John Leek <jleek001@san.rr.com>

I was. Do these fill in your gap?

Richard Belesky

Senior Park Ranger

Shoreline Parks

Parks and Recreation Department

City of San Diego

T 858.581.9987

rbelesky@sandiego.gov

The City of SAN DIEGO
Parks and Recreation Department

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From: John Leek [mailto:jleek001@san.rr.com]
Sent: Monday, January 07, 2019 6:31 PM
To: Belesky, Richard <RBelesky@sandiego.gov>
Subject: Re: Its that time of year again

No answer? Are you on vacation?

On 1/3/2019 9:12 PM, John Leek wrote:

> Attached is the kind of thing I meant. This is last one I got from you in 2015. I let myself get 2 years behind.
>
> On 1/3/2019 11:51 AM, John Leek wrote:
>
> > There is nothing here for 2018 showing the violations, harassments or human causes for abandoned pups. That would be due to public education programs?
> >
> > On 12/28/2018 10:25 AM, Belesky, Richard wrote:
> >
> > > Attached is what we accumulated for 2018.
> > >
> > > The Seasonal Rope Permit CDP No. 6-15-0223 Special Condition 1.A. says: “The rope shall be removed during the seasonal closure each year, which currently runs from December 15 to May 15, in order to reduce visual impacts. The foundations, posts, and signage may remain.”
> > >
> > > The condition says posts “may” remain, not “shall”. We found that the two posts closest to the stairs are prone to washing out during high tide/surf events so we dig them out and drag them higher, then replace them when the beach opens back up.
> > >
> > > As for as City Staff on the beach:
> > >
> > > **§63.0105 Exceptions to Application of Regulations**

(a) Nothing in this Division shall be construed to prevent any employee or agent

of the City of San Diego from performing any duty that, in the opinion of the

City Manager or his or her designee, may be thought necessary or proper for

the maintenance, improvement, or betterment of any park, plaza or beach as

may be in the best interests of the City of San Diego.

Richard Belesky

Senior Park Ranger

Shoreline Parks

Parks and Recreation Department

City of San Diego

T 858.581.9987

rbelesky@sandiego.gov



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From: John Leek [mailto:jleek001@san.rr.com]
Sent: Friday, December 28, 2018 10:11 AM
To: Belesky, Richard <RBelesky@sandiego.gov>
Subject: Its that time of year again

The CP is closed and you no longer have to patrol the area to take census of humans or seals on either side of the rope.

So I am looking the data for 2018 again. Seems to be a quandary. The Coastal permit required a rope barrier at all times reaching a specified distance and height, but it is half gone and it is theoretically illegal for Park and Rec to trespass on the beach to fix it. Oh well.

Children's Pool Monitoring Plan

Harassment/Incident Form

Date	Time	Activity code	Location code	Description of Incident	Disposition Code
8/30/16	1353	A	2	MAN + WOMAN CROSSED ROPE AND WALKED TO	3
/				CENTER OF BEACH ABT 50' FROM CLOSEST	
/				SEALS 20 OF 45 FLUSHED. DID NOT MAKE	
/				CONTACT	
8/29/16	1205	A	3	5 SEALS HAULED OUT ON SW ROCK. 3 FLUSHED	3
/				WHEN GROUP OF 6 PEOPLE APPROACHED	
9/22/16	1618	C	5	2 ADULT MALES ENTERED WATER ABOUT	
/				30' FROM 42 SEALS ON BEACH. 14 FLUSHED	
/				SWIMMERS SWAM OFF. NOTE: COUNTED	
/				44 SEALS ON BCH 12 MINUTES LATER	
10/2/16	1335	C	5	MALE SWIMMER ENTERED WATER ABOUT	3
/				100' FROM SEALS. 6 OF 80 FLUSHED.	
/				MALE SWAM AWAY	
10/12/16	1330	E	3	ALL 54 SEALS FLUSHED WHEN AN UNKNOWN	3
/				PERSON ON BREAKWATER RELEASED A BUNCH	
/				OF MYLAR BALLOONS	
10/16/16	1315			RESEATED 1ST ROPE POST DUE TO	
/				WASHOUT	
10/30/16	1310	C	5	WOMAN ENTERED WATER ABOUT 100'	3
/				FROM SEALS. 15 OF 44 FLUSHED	
10/31/16	1255	E	2	MAN AND WOMAN CROSSED ROPE AND	3
/				WALKED TO CLIFF CORNER OF BEACH	
/				ABOUT 50' FROM SEALS. 2 OF 68 FLUSHED	
/				15 MOVED.	
11/7/16	1545	A	2	7 PEOPLE GETTING TO WITHIN 5' OF 18	3
/				SEALS. WENT ON BEACH AND HAD THEM ALL	
/				MOVE WELL BACK	
11/13/16	1245	E	1	1ST ROPE POST WASHED OUT. RESEATED	
11/20/16	1255	C	2,5	2 SPEARFISHERMEN ENTERED WATER	3
/				ALONG CLIFFSIDE ABT 50' FROM	
/				CLOSEST SEALS. 25 OF 125 FLUSHED.	
12/4/16	1430	C	5	OBSERVED DAVID JOHNSON SWIMMING	3
/				WITHIN POOL WATERS CAUSING A	
/				FEW SEALS TO FLUSH EVERY FEW	
/				MINUTES	

Activity Code: A=walking towards seals, B=sitting on beach, C=swimming near seals, D=touching seals, E=other (describe in notes)

Location Code: 1=beach behind rope, 2=beach in front of rope, 3=seawall or rocks at base of seawall, 4=Submarine rock, 5=in water

Disposition Code: 1=Citation issued, 2=Field Investigation(Warning), 3=Other(Describe in notes)

Children's Pool Monitoring Plan

Harassment/Incident Form

5/16/17 To 12/14/17

Date	Time	Activity code	Location code	Description of Incident	Disposition Code
5/16/17	0600			BEACH REOPENED TO PUBLIC	
6/4/17	1630	C	2,5	VIEWED VIDEO TAKEN AT THIS TIME OF	3
"				A SPEARFISHERMAN EXITING WATER	
"				BTWN SUB AND SEAWALL ROCKS ONTO	
"				BCH WHICH FLUSHED ALL 60 SEALS	
"				ON BCH	
7/2/17	1042	C	5	W/M SPEARFISHERMAN ENTERED WATER	3
"				100' FROM 14 SEALS. 2 FLUSHED	
7/2/17	1050	A	2	2 W/F APPROACHED TO 30'. 2 OF 10 SEALS	3
"				FLUSHED.	
8/30/17	1300			ROPE CUT OR BROKE BETWEEN POLES	
"				3 AND 4. REPLACED ROPE FROM POLE	
"				3 TO SEAWALL.	
10/19/17	1345	C	5	MALE SWIMMER EXITED WATER	3
"				FLUSHING 15 OF 90 SEALS	
10/19/17	1350			MAN WITH YOUNG CHILD WALKED TOWARDS	3
"				SEALS CAUSING 10 TO FLUSH WHEN 70'	
"				AWAY	

Activity Code: A=walking towards seals, B=sitting on beach, C=swimming near seals, D=touching seals, E=other (describe in notes)

Location Code: 1=beach behind rope, 2=beach in front of rope, 3=seawall or rocks at base of seawall, 4=Submarine rock, 5=in water

Disposition Code: 1=Citation issued, 2=Field Investigation(Warning), 3=Other(Describe in notes)

Children's Pool Monitoring Plan

Harassment/Incident Form

Date	Time	Activity code	Location code	Description of Incident	Disposition Code
5/16/18	0630	E	E	BEACH REOPENED FOR SUMMER	/
8/16/18	1200	E	E	ROPE POST #1 WASHED OUT AND WAS	/
/				RESEATED.	
12/15/18				BEACHED CLOSED FOR PUPPING SEASON	

Children's Pool Monitoring Plan

Harassment/Incident Form

12/15/15 THROUGH 5/15/16

Date	Time	Activity code	Location code	Description of Incident	Disposition Code
12/15/15	0600			BEACH CLOSED FOR PUPPING SEASON	
12/27/15	1300	E	2	OBSERVED MANY FOOTPRINTS ON BEACH	3
12/30/15	1312	E	1	MOTORIZED PARASAILER OVERFLEW TOO L	3
/				WHICH SPOOKED 100'S OF GULLS WHICH	
/				FLUSHED 4 OF 70 SEALS	
1/4/16	1345	E	1	HEAVY RAIN FLUSHED 190+(ALL) SEALS	3
1/10/16	1300	E	1	OBSERVED 2 SETS OF FOOTPRINTS ON BCH	3
1/10/16	1400	E	1	INFORMED THAT SEA WORLD RESCUED	3
/				ABANDONED SEAL PUP FROM CPR	
1/30/16	1145	E	1	OBSERVED FOOTPRINTS ON BCH	3
2/8/16	1545	E	1	OBSERVED A VIDEO TAKEN AT 1315 TODAY	3
/				SHOWING A MAN AND 2 YOUNG CHILDREN	
/				ON THE BEACH. THE MAN WAS GETTING	
/				YELLED AT BY VISITORS. THE MAN AND	
/				CHILDREN LEFT THE BEACH AFTER A	
/				FEW MINUTES	
3/28/16	1345	E	1	OBSERVED 2 W/M CROSSING BEACH AND	2
/				CLIMBING OVER SEAWALL RAILING ONTO	
/				BREAKWATER. CONTACTED AND FI'D	
/				VISITORS FROM LAS VEGAS. RELEASED	
/				WITH WARNING. NO FLUSH OCCURRED	
4/10/16	1320	E	2	OBSERVED W/M GO ONTO BEACH TO	2
/				RETRIEVE TRASH BEING PICKED AT	
/				BY GULLS. 60 OF 150 SEALS FLUSHED.	
/				CONTACTED W/M WHO SAID HE WAS CONCERNED	
/				ABOUT THE GULLS CONSUMING PLASTIC.	
/				FI'D AND RELEASED WITH WARNING	
4/21/16	1335	E	3	OBSERVED BOY ON BRKWTR DROP HIS	3
/				HAT ONTO UPPER STEP. DAD SQUEEZED	
/				THROUGH RAILING ONTO TOP STEP TO	
/				RETRIEVE IT. 5 OF 110 SEALS FLUSHED	
/				DID NOT MAKE CONTACT.	
5/2/16	1230	E	1	OBSERVED FRESH SET OF FOOTPRINTS ON	3
/				BEACH. NO WITNESSES	
5/15/16	1318	E	1	OBS. A. WAGGONER WALK ACROSS BEACH. INFORMED	2
/				HIM CLOSURE ENDS TOMORROW	

Activity Code: A=walking towards seals, B=sitting on beach, C=swimming near seals, D=touching seals, E=other (describe in notes)

Location Code: 1=beach behind rope, 2=beach in front of rope, 3=seawall or rocks at base of seawall, 4=Submarine rock, 5=In water

Disposition Code: 1=Citation issued, 2=Field Investigation(Warning), 3=Other(Describe in notes)

END OF CLOSURE PERIOD

Children's Pool Beach Closure Monitoring Plan

Harassment Incident Form

Date	Time	Activity code	Location code	Description of Incident	Dispositon Code
12/15/17	0630			CLOSED CPB FOR PUPPING SEASON	3
12/29/17	1248	C	5	2 MALE SNORKLERS SWAM INTO	
"	"	"	"	POOL WATERS 15'-20' FROM BEACH.	
"	"	"	"	8 OF 10 SEALS FLUSHED	
1/3/18	1000			OBSERVED FOOTPRINTS IN SAND	3
"	"	"	"	ON CLOSED BEACH	
1/6/18	1000			OBSERVED NEW FOOTPRINTS IN SAND	3
1/15/18	1000			NEW FOOTPRINTS IN SAND AT	3
"	"	"	"	BOTTOM OF ERODED SLOPE.	
5/16/18	0700			BEACH REOPENED FOR SUMMER	

Activity Code: A=walking towards seals, B=sitting on beach, C=swimming near seals, D=touching seals, E=other (describe in notes)

Location Code: 1=beach behind rope, 2=beach in front of rope, 3=seawall or rocks at base of seawall, 4=Submarine rock, 5=in water

Disposition Code: 1=Citation issued, 2=Field Investigation(Warning), 3=Other(Describe in notes)

Children's Pool Monitoring Plan

Harassment/Incident Form

12/16/16 THROUGH 5/15/17 PAGE 1 OF 2

Date	Time	Activity code	Location code	Description of Incident	Disposition Code
12/16/16	1100			STATE COURT OF APPEALS STAYED	
/				SUPERIOR COURT RULING AGAINST	
/				BEACH CLOSURE AND ALLOWED BEACH	
/				TO BE CLOSED. STAFF CLOSED BEACH	
/				AT 1100.	
12/18/16	1217	C	5	DAVID JOHNSON ENTERED WATER AT	3
/				SHELL BEACH AND SWAM INTO POOL	
/				WATERS THEN BACK OUT. 20 OF 60	
/				SEALS FLUSHED	
12/18/16	1232	C	5	DAVID JOHNSON SWAM BACK INTO	3
/				POOL WATERS FLUSHING 10 OF 50	
12/20/16	1357	C	5	DAVID JOHNSON ENTERED WATER AT	3
/				SHELL BEACH AND SWAM INTO POOL	
/				WATERS FLUSHING 6 OF 101	
12/31/16	1200	E	1,2	OBSERVED FRESH FOOTPRINTS ON SAND	3
1/12/17	1129	E	AIR	OBSERVED QUAD COPTER DRONE	2
/				FLYING LOW OVER SEALS ON BCH	
/				CREATING DISTURBANCE. CONTACTED	
/				OPERATOR WHO RECOVERED IT AND	
/				DEPARTED	
1/15/17	1700	B	2	SHOWN VIDEO OF 3 W/M ON BCH, ONE	3
/				OF WHOM LAYED NEXT TO SEALS	
/				CAUSING A FLUSH. WITNESS	
/				REPORTED INCIDENT TO PD	
2/7/17	1734	E	2	RECEIVED EMAIL WITH VIDEO OF 2 W/MALES	3
/				IN STREET CLOTHES WALKING OUT OF SEA	
/				CAVE ONTO CP BEACH AND UP STAIRS	
/				EARLIER IN DAY. 100+ SEALS ALERTED,	
/				NO FLUSH.	
3/14/17	1241	E	AIR	LOW FLYING CIVILIAN HELO CAUSED	3
/				SEAGULLS TO TAKE FLIGHT WHICH	
/				CAUSED 40 OF 120 SEALS TO FLUSH.	
3/21/17	1502	C	5	W/M SWAM INTO POOL AREA ABT 50'	
/				FROM BEACH. 30 OF 75 SEALS FLUSHED	
3/27/17	1445	E	5	MYLAR BALLOON FLOATED INTO POOL	3
/				CAUSING 40 OF 120 TO FLUSH	

Activity Code: A=walking towards seals, B=sitting on beach, C=swimming near seals, D=touching seals, E=other (describe in notes)

Pg 1 of 2

Location Code: 1=beach behind rope, 2=beach in front of rope, 3=seawall or rocks at base of seawall, 4=Submarine rock, 5=In water

Disposition Code: 1=Citation issued, 2=Field Investigation(Warning), 3=Other(Describe in notes)

Children's Pool Monitoring Plan

Harassment/Incident Form

12/16/16 THROUGH 5/15/17 PAGE 2 of 2

Date	Time	Activity code	Location code	Description of Incident	Disposition Code
4/30/17	1410	C	5	2 SPEARFISHERMAN EXITED WATER ONTO	2
"				CPB AND EXITED BCH VIA STAIRS. NO SEALS	
"				ON BEACH. BOTH CLAIMED HIGH SURF	
"				AND TIDE PREVENTED THEM FROM	
"				EXITING ON ANY OTHER BEACH. FI'D	
"				AND RELEASED	
5/16/17				BEACH REOPENS TO PUBLIC	

PG 2 of 2

Activity Code: A=walking towards seals, B=sitting on beach, C=swimming near seals, D=touching seals, E=other (describe in notes)

Location Code: 1=beach behind rope, 2=beach in front of rope, 3=seawall or rocks at base of seawall, 4=Submarine rock, 5=In water

Disposition Code: 1=Citation issued, 2=Field Investigation(Warning), 3=Other(Describe in notes)

From:	John Leek
To:	ChildrensPool@Coastal
Subject:	Fwd: Re: Fwd: RE: Observations at South Casa Beach 2/16/19
Date:	Saturday, April 13, 2019 10:19:41 AM
Attachments:	Attachment 2 Harassment Incidents during Beach Closure 12-15-2014 to 5-15-2015.pdf Attachment 1a Data Collection Form 12-15-2013 to 5-15-2014.xlsx Harassment Incidents 5-15-2015 12-14-2015.pdf

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Please include this email and its attachments in the public file on renewal of closure and cordoning off Children's Pool coming up in June.

-------- Forwarded Message --------
Subject: Re: Fwd: RE: Observations at South Casa Beach 2/16/19
Date: Fri, 8 Mar 2019 23:32:54 -0800
From: John Leek <jleek001@san.rr.com>
To: Lasiter, Melody@Coastal <melody.lasiter@coastal.ca.gov>

I figured out why some of the materials you got from the City don't seem to make sense sometimes; like if the Pool hasn't a bacteria problem then what changed? Or was there never excess bacteria? But the warnings are still posted? I don't know if you want to hear it from me though, or you are constrained to only assessing the City's answers. Don't mean to hog air time here.

You said you wanted to see actual data. I have been getting copies for years after filing a CPRA. I have attached sheets of his observations for the entire "open" season of 2015 showing people on each side of the rope and in the water and seals hauled out. The harassment incident form is also attached. The type 3 incidents are not described in notes because no action was taken, so nothing to note. That is what I was told.

On 3/7/2019 1:55 PM, John Leek wrote:

> You mentioned you felt the City should have forwarded more real data. I have known Ranger Belesky since he first came to Children's Pool and supply him with information at times. In particular he cannot monitor the rookery at South Casa Beach because he was never assigned to look there - only the Children's Pool. That is all you asked for.
>
> Were you to accept the invitation for a walking tour of our rookeries, that beach would be included. Or like the ranger, you might consider that not part of your assignment.

-------- Forwarded Message --------
Subject: RE: Observations at South Casa Beach 2/16/19
Date: Tue, 19 Feb 2019 19:32:00 +0000
From: Belesky, Richard <RBelesky@sandiego.gov>
To: John Leek <jleek001@san.rr.com>

Thanks for the data John.

Richard Belesky
Senior Park Ranger
Shoreline Parks
Parks and Recreation Department
City of San Diego
T 858.581.9987
rbelesky@sandiego.gov



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From: John Leek [mailto:jleek001@san.rr.com]
Sent: Monday, February 18, 2019 9:46 PM
To: Belesky, Richard <RBelesky@sandiego.gov>
Subject: Observations at South Casa Beach 2/16/19

On the rocks behind the sea wall which is not Children's Pool so it must be S. Casa; 11 harbor seals. On South Casa sandy beach, 2 mothers and their pups came into the beach and made the people retreat. So 13 adults and 2 pups. It was clear how scientists had come to believe mother seals abandon pups on public beaches. One mother seal left the pup behind as she progressed toward the people and it was all the pup could do to catch up.
One person took a selfie, but the seals did not seem adversely affected. Evaluation is there continues to be no need for you to leave the office to oversee South Casa Beach.

Children's Pool Beach Closure Monitoring Plan

Data Collection Form

Date	Time	# of visitors on beach behind rope	# of visitors on beach inside rope	# of visitors in water	# of seals hauled out	Weather	Air Temp	Water Temp	State of Tide	Comments
12/15/2013	700	0	0	0	54	sct	52	59	6.0r	2 juv elephant seals
12/15/2013	1215	4	0	0	85	bkn	68	59	0.0f	2 juv elephant seals
12/15/2013	1600	2	3	0	57	bkn	64	59	1.0r	2 juv elephant seals
12/16/2013	630	0	0	0	42	bkn	52	59	5.5r	2 juv elephant seals
12/16/2013	1115	2	0	0	106	bkn	65	59	2.5f	2 juv elephant seals
12/17/2013	630	0	0	0	92	bkn	54	59	5.0r	2 juv elephant seals
12/17/2013	1145	4	0	0	122	sct	66	59	3.0f	2 juv elephant seals
12/17/2013	1300	0	0	0	139	sct	68	59	1.0f	2 juv elephant seals
12/17/2013	1600	16	0	0	86	ovc	66	59	0.0r	2 juv elephant seals
12/18/2013	630	0	0	0	85	ovc	55	59	3.5r	2 juv elephant seals
12/18/2013	1300	12	0	0	165	sct	66	59	2.5f	2 juv elephant seals
12/18/2013	1600	3	0	0	110	sct	62	59	0.0r	2 juv elephant seals
12/19/2013	630	0	0	0	85	ovc/rain	55	59	3.0r	2 juv elephant seals
12/19/2013	1100	3	0	0	152	ovc	58	59	4.0f	2 juv elephant seals
12/19/2013	1300	6	0	0	95	ovc	60	59	3.0f	2 juv elephant seals
12/20/2013	630	0	0	0	126	clr	50	59	2.5r	2 juv elephant seals
12/21/2013	1145	18	0	0	120	sct	60	59	4.5f	2 juv elephant seals
12/21/2013	1300	21	0	0	135	sct	58	59	3.5f	2 juv elephant seals
12/21/2013	1600	25	0	0	153	sct	58	59	0.5f	2 juv elephant seals
12/23/2013	630	0	0	0	86	sct	50	59	2.5r	2 juv elephant seals
12/23/2013	830	0	0	0	84	clr	56	59	3.0r	2 juv elephant seals
12/23/2013	1430	22	0	0	150	clr	65	59	2.5f	2 juv elephant seals
12/23/2013	1600	30	0	0	55	sct	68	59	1.5f	2 juv elephant seals
12/24/2013	630	0	0	0	56	clr	52	59	3.0f	12 on S. Casa, 2 juv elephant seals
12/24/2013	800	0	0	0	67	clr	55	59	2.5r	2 juv elephant seals
12/25/2013	715	0	0	0	72	sct	54	59	3.0f	6 on S. Casa, 2 juv elephant seals
12/25/2013	1300	12	0	0	65	sct	75	59	3.0r	2 juv elephant seals

12/25/2013	1600	30	0	0	55	sct	72	59	2.5f	2 juv elephant seals
12/26/2013	645	1	0	0	44	sct	52	59	3.5f	7 on S. Casa, 1 juv elephant seal
12/27/2013	630	0	0	0	45	sct	52	59	4.5f	1 juv elephant seal
12/27/2013	900	1	0	0	81	sct	56	59	2.5f	1 juv elephant seal
12/27/2013	1645	52	1	0	115	bkn	60	59	2.5r	1 juv elephant seal
12/28/2013	645	0	0	0	41	ovc	54	59	5.5f	
12/28/2013	800	0	0	0	50	ovc	56	59	4.5f	
12/28/2013	1100	30	0	0	121	sct	65	59	0.5f	1 juv elephant seal
12/28/2013	1300	29	0	0	147	clr	68	59	0.0r	1 juv elephant seal
12/29/2013	645	0	0	0	36	clr	52	59	6.0f	
12/29/2013	1130	40	0	0	125	clr	66	59	0.0f	
12/29/2013	1300	20	0	0	124	clr	66	59	0.0r	
12/29/2013	1600	10	0	0	140	clr	62	59	2.0r	
12/30/2013	645	0	0	0	17	sct	52	59	6.0r	
12/30/2013	1330	0	0	0	8	clr	65	59	-1.00	
12/31/2013	1200	15	0	0	122	sct	68	59	2.0f	
12/31/2013	1300	5	0	0	65	sct	67	59	1.0f	
12/31/2013	1530	5	0	0	61	clr	66	59	-0.50	
1/1/2014	1210	38	0	0	141	sct	64	59	3.0f	
1/1/2014	1300	35	0	0	135	sct	65	59	2.5f	
1/1/2014	1415	12	2	0	115	sct	65	59	1.0f	
1/1/2014	1600	15	0	0	73	sct	62	59	-1.5	
1/2/2014	645	0	0	0	49	sct	52	59	3.5r	
1/3/2014	730	0	0	0	59	ovc	52	59	3.0r	
1/4/2014	1215	40	0	0	107	bkn	62	59	5.5f	
1/4/2014	1300	35	0	0	116	bkn	64	59	5.0f	
1/4/2014	1600	45	0	0	141	bkn	62	59	0.0f	
1/5/2014	730	0	0	0	40	clr	54	59	2.5r	
1/5/2014	1130	25	0	0	10	sct	64	59	5.0r	
1/5/2014	1300	0	0	0	14	sct	62	59	4.0f	
1/5/2014	1600	3	0	0	33	clr	60	59	0.5f	
1/6/2014	645	0	0	0	34	clr	55	59	1.5f	
1/7/2014	1230	0	0	0	76	bkn	64	59	3.0r	
1/7/2014	1515	0	0	0	105	bkn	62	59	2.5f	

1/8/2014	1140	5	0	0	114	sct	62	59	1.5r	
1/8/2014	1300	2	0	0	140	sct	62	59	2.0r	
1/8/2014	1445	6	0	0	175	sct	62	59	2.5r	
1/11/2014	1215	0	0	0	25	sct	64	59	0.5f	
1/11/2014	1300	0	0	0	30	sct	64	59	0.0f	
1/11/2014	1530	0	0	0	36	sct	62	59	1.0r	
1/12/2014	1300	2	0	0	122	bkn	62	59	0.0f	
1/12/2014	1530	12	0	0	121	bkn	64	59	1.0r	
1/13/2014	1115	2	0	0	101	clr	68	59	1.0f	
1/13/2014	1330	5	0	0	108	clr	68	59	-0.5	
1/13/2014	1600	0	0	0	108	clr	68	59	1.0r	
1/14/2014	1510	5	0	0	12	clr	72	59	0.5r	
1/14/2014	1600	0	0	0	14	clr	70	59	0.5r	
1/15/2014	1230	0	0	0	50	clr	76	59	0.0f	
1/15/2014	1300	0	0	0	36	clr	80	59	-0.5	
1/18/2014	1200	0	0	0	22	sct	75	59	4.0f	
1/18/2014	1300	10	0	0	30	sct	72	59	3.0f	
1/18/2014	1500	0	0	0	2	bkn	70	59	0.5f	
1/19/2014	1140	40	0	0	107	bkn	68	59	4.0f	
1/19/2014	1300	40	0	0	135	bkn	74	59	3.5f	
1/19/2014	1530	23	0	0	149	bkn	72	59	1.0f	
1/20/2014	1130	26	0	0	91	sct	70	59	4.0f	
1/20/2014	1300	16	0	0	115	sct	68	59	3.0f	
1/20/2014	1600	18	0	0	158	sct	66	59	1.0f	
1/21/2014	1145	25	0	0	67	ovc	65	59	4.0f	10-12 ft surf
1/21/2014	1300	23	0	0	85	ovc	64	59	3.5f	10-12 ft surf
1/21/2014	1600	17	0	0	122	ovc	63	59	1.0f	10-12 ft surf
1/22/2014	1145	5	0	0	87	ovc	70	59	3.5r	
1/22/2014	1300	18	0	0	95	ovc	70	59	3.5f	
1/22/2014	1600	20	0	0	155	sct	68	59	2.0f	
1/25/2014	945	2	0	0	71	sct	68	59	1.5f	
1/25/2014	1300	45	0	0	130	sct	68	59	1.0r	
1/26/2014	1110	0	0	0	39	ovc	66	59	0.5f	
1/26/2014	1330	5	0	0	58	ovc	67	59	0.5r	

1/26/2014	1600	20	0	0	82	ovc	63	59	2.5r	
1/27/2014	1130	3	0	0	97	sct	68	59	-0.5	
1/27/2014	1320	5	0	0	104	sct	70	59	-0.5	
1/27/2014	1600	11	0	0	128	sct	67	59	1.0r	
1/28/2014	1200	16	0	0	79	ovc	62	59	-0.5	
1/28/2014	1300	14	0	0	72	bkn	63	59	-1	
1/28/2014	1600	0	0	0	63	ovc	62	59	0.5r	
1/29/2014	1145	0	0	0	82	sct	65	59	1.0f	
1/29/2014	1300	0	0	0	91	sct	65	59	-1	
1/29/2014	1515	0	0	0	73	ovc	60	59	-0.5	
2/1/2014	1200	8	0	0	86	sct	62	60	5.0f	1st pup born early 1/31
2/1/2014	1300	23	0	0	113	sct	62	60	3.5f	
2/1/2014	1600	15	0	0	67	sct	62	60	-1	
2/2/2014	1210	31	0	0	84	bkn	60	60	4.5f	
2/2/2014	1315	3	0	0	98	ovc	60	60	3.5f	
2/2/2014	1545	8	0	0	138	bkn	60	60	0.0f	
2/3/2014	1145	17	0	0	92	sct	58	60	5.0f	
2/3/2014	1300	4	0	0	108	sct	60	60	3.5f	
2/3/2014	1600	4	0	1	165	sct	58	60	0.5f	
2/4/2014	1215	12	0	0	125	sct	62	60	4.0r	
2/4/2014	1310	17	0	0	142	bkn	60	60	3.5f	
2/4/2014	1600	6	0	0	206	bkn	60	60	1.5f	
2/5/2014	1130	0	0	0	16	sct	62	60	2.5r	Pup born on S. Casa
2/5/2014	1300	0	0	0	22	sct	62	60	3.0r	2 on S. Casa
2/5/2014	1415	9	0	0	15	sct	62	60	3.0f	
2/9/2014	1245	2	1	0	19	ovc	62	60	0.0f	
2/9/2014	1600	2	0	0	6	sct	62	60	2.0r	
2/10/2014	1130	0	0	0	46	ovc	64	60	0.0f	
2/10/2014	1250	0	0	0	39	ovc	64	60	-0.5	
2/10/2014	1600	4	0	0	37	ovc	62	60	1.0r	
2/11/2014	1430	0	0	0	53	ovc	58	60	0.0r	
2/11/2014	1600	2	0	0	59	ovc	60	60	1.0r	1 sick young sea lion on rock
2/12/2014	1300	0	0	0	22	sct	67	60	0.0f	
2/12/2014	1545	0	0	0	31	sct	66	60	1.0r	

2/15/2014	1145	5	0	0	49	bkn	75	60	3.5f	
2/15/2014	1300	16	0	0	61	ovc	68	60	2.0f	
2/15/2014	1600	0	0	0	19	ovc	64	60	0.0r	
2/16/2014	1200	10	0	0	87	bkn	67	60	3.0f	2nd pup born on S. Casa (7th overall)
2/16/2014	1300	28	0	0	100	bkn	64	60	2.0f	
2/16/2014	1545	0	0	0	73	sct	67	60	0.0r	
2/17/2014	1130	38	0	0	106	ovc	62	60	3.5f	
2/17/2014	1300	19	0	0	140	bkn	65	60	2.5f	
2/17/2014	1600	25	0	0	169	ovc	62	60	0.5f	
2/18/2014	1045	20	0	0	79	sct	66	60	4.5f	
2/18/2014	1315	18	0	0	142	ovc	66	60	3.0f	
2/18/2014	1600	18	0	0	187	ovc	64	60	1.0f	observed pup #9 born at 1516
2/19/2014	1300	30	0	0	117	sct	65	60	3.0f	6 on S. Casa
2/19/2014	1600	0	0	0	156	bkn	64	60	1.5f	
2/24/2014	1130	0	0	0	27	sct	65	60	0.0f	
2/24/2014	1230	0	0	0	20	sct	67	60	0.0r	
2/25/2014	1115	0	0	0	6	sct	68	60	0.0f	
2/25/2014	1300	0	0	0	2	sct	67	60	-0.5	
2/25/2014	1545	2	0	0	50	bkn	66	60	1.0r	
2/26/2014	1130	0	0	0	25	ovc	64	61	0.0f	
2/26/2014	1300	0	0	0	26	ovc	64	61	-0.5	
3/1/2014	1140	48	0	0	201	ovc	60	61	3.0f	
3/1/2014	1300	32	0	0	220	ovc	60	61	1.5f	
3/1/2014	1600	27	0	0	225	ovc	60	61	0.0r	one sea lion on rock
3/2/2014	1030	0	0	0	165	ovc	60	61	5.0f	
3/2/2014	1300	40	0	0	190	bkn	62	61	2.0f	
3/2/2014	1600	0	0	0	216	bkn	62	61	-0.5	counted 37 pups on bch
3/3/2014	1230	8	0	0	165	sct	64	61	3.0f	
3/3/2014	1530	5	0	0	200	bkn	62	61	0.5f	22 on S. Casa. 40 pups on CPB
3/4/2014	1300	13	0	0	147	sct	65	61	3.0f	
3/4/2014	1540	15	0	0	187	sct	62	61	1.5f	
3/5/2014	1145	15	0	0	125	bkn	64	61	3.5r	
3/5/2014	1330	18	0	0	175	ovc	62	61	2.5f	31 on S. Casa
3/9/2014	1145	0	0	0	7	sct	80	61	0.5f	

3/9/2014	1300	0	0	0	24	sct	82	61	1.0r	
3/9/2014	1600	16	0	0	92	sct	82	61	2.0r	
3/10/2014	1145	8	0	0	86	sct	76	62	0.5f	
3/10/2014	1300	2	0	0	105	sct	76	62	0.5r	
3/10/2014	1530	2	0	0	137	clr	76	62	1.0r	54 pups born to date. 34 on CPB, 20 on SC
3/12/2014	1120	8	0	0	82	sct	65	62	2.0f	
3/12/2014	1300	3	0	0	111	sct	67	62	0.5f	52 pups on CPB/SC. 13 at Pt Loma
3/15/2014	645	0	0	0	32	sct	58	62	3.0r	
3/15/2014	1200	15	0	0	113	ovc	65	62	3.0f	
3/15/2014	1300	0	0	0	124	sct	66	62	1.0f	
3/15/2014	1600	10	0	0	128	clr	70	62	0.0r	
3/16/2014	1200	10	0	0	110	clr	78	62	3.0f	
3/16/2014	1300	25	0	0	121	clr	78	62	2.0f	
3/16/2014	1515	5	0	0	148	clr	82	62	0.5f	
3/16/2014	1600	7	0	0	133	clr	82	62	0.0r	
3/17/2014	700	0	0	0	57	clr	55	61	2.0r	
3/17/2014	1100	50	0	0	90	sct	70	61	4.0f	
3/17/2014	1415	26	0	0	240	sct	72	61	1.0f	
3/17/2014	1600	17	0	0	240	sct	72	61	0.0f	
3/18/2014	730	0	0	0	107	ovc	58	61	2.0r	
3/18/2014	1215	56	6	0	139	bkn	66	61	3.5f	
3/18/2014	1330	29	0	0	220	bkn	68	61	3.0f	
3/19/2014	1330	4	0	0	115	sct	68	60	3.0f	
3/19/2014	1500	12	0	3	132	sct	69	60	2.5f	
3/20/2014	650	1	0	0	28	bkn	58	60	0.5r	
3/20/2014	1400	7	0	0	137	clr	68	60	2.5f	
3/21/2014	700	0	0	0	64	bkn	58	60	0.5f	
3/21/2014	1245	2	0	0	130	sct	64	60	3.0r	
3/21/2014	1600	7	0	0	174	sct	64	60	3.0f	
3/22/2014	645	0	0	0	76	bkn	56	60	1.5f	Newborn pup on CPB #75
3/22/2014	1320	19	0	0	118	bkn	62	60	2.5r	
3/22/2014	1715	26	0	0	156	sct	62	60	3.0f	
3/23/2014	650	0	0	0	52	ovc	58	59	2.0f	
3/23/2014	1230	20	0	0	43	sct	64	59	1.0r	

3/23/2014	1600	7	0	0	85	sct	64	59	3.0r	
3/24/2014	1230	0	0	0	76	ovc	67	59	0.5r	Newborn pup on CPB #76
3/24/2014	1300	6	0	0	79	ovc	67	59	1.0r	
3/24/2014	1530	25	0	0	129	ovc	63	59	2.0r	
3/26/2014	1145	25	0	0	96	sct	65	59	0.0f	
3/26/2014	1300	1	0	0	97	sct	64	59	-0.5	
3/26/2014	1500	6	0	0	131	bkn	62	59	0.0r	
3/29/2014	1130	15	0	0	88	sct	67	59	3.5f	
3/29/2014	1300	5	0	0	101	sct	67	59	1.5f	
3/29/2014	1630	0	0	0	60	bkn	70	59	0.0r	
3/30/2014	730	0	0	0	33	ovc	58	59	3.5r	
3/30/2014	800	0	0	0	39	ovc	59	59	4.0r	
3/30/2014	1000	25	0	0	82	sct	66	59	5.0f	
3/30/2014	1300	24	0	0	131	sct	67	59	2.5f	
3/31/2014	810	0	0	0	67	sct	62	59	3.0r	
3/31/2014	1000	15	0	0	80	sct	66	59	5.0r	1 sea lion on beach
3/31/2014	1300	10	0	0	167	sct	67	59	2.5f	2 sea lions on beach
4/2/2014	1200	30	0	0	103	sct	62	59	4.0f	
4/2/2014	1330	17	0	0	147	sct	62	59	3.5f	
4/2/2014	1500	21	0	0	149	sct	62	59	2.0f	
4/5/2014	1200	5	0	0	75	sct	66	59	1.5r	
4/5/2014	1300	2	0	0	81	sct	66	59	2.0r	2 sea lions on beach
4/5/2014	1600	22	0	0	128	sct	64	59	3.0f	2 sea lions on beach
4/6/2014	1145	0	0	0	49	clr	68	59	1.0r	
4/6/2014	1300	11	0	0	62	clr	68	59	2.0r	
4/7/2014	1200	0	0	0	25	clr	74	59	1.0r	2 sea lions on beach
4/7/2014	1300	1	0	0	17	clr	74	59	1.5r	2 sea lions on beach
4/7/2014	1500	4	0	0	67	clr	74	59	2.5r	2 sea lions on beach
4/8/2014	1415	0	0	0	21	sct	76	59	1.5r	2 sea lions on beach
4/8/2014	1600	0	0	0	42	sct	72	59	2.0r	2 sea lions on beach
4/9/2014	1330	0	0	0	33	ovc	76	59	1.0r	
4/9/2014	1600	3	0	0	70	bkn	74	59	1.5r	
4/12/2014	750	3	0	0	94	bkn	62	59	4.0r	
4/12/2014	1000	5	0	0	95	bkn	62	59	3.5f	

4/12/2014	1300	0	0	0	119	sct	64	59	1.5f	
4/13/2014	1145	12	0	0	88	ovc	65	59	1.5f	
4/13/2014	1300	15	0	0	91	ovc	65	59	1.0f	
4/13/2014	1530	9	0	0	94	bkn	65	59	0.5r	
4/14/2014	1200	4	0	0	55	clr	67	59	2.5f	
4/14/2014	1300	3	0	0	44	clr	67	59	2.0f	
4/14/2014	1600	10	0	0	76	clr	67	59	1.0r	
4/15/2014	1135	15	0	0	98	ovc	65	59	3.5f	
4/15/2014	1300	13	0	0	109	ovc	66	59	3.0f	
4/15/2014	1500	6	0	0	128	ovc	64	59	1.0f	
4/16/2014	1330	20	0	0	124	sct	67	59	3.5f	
4/16/2014	1530	14	0	0	156	bkn	65	59	1.5f	
4/20/2014	1115	0	0	0	41	ovc	65	59	2.0r	
4/20/2014	1300	0	0	0	85	ovc	66	59	3.0r	
4/20/2014	1500	34	0	0	122	ovc	67	59	0.5r	
4/21/2014	1520	25	0	0	157	ovc	65	60	3.0r	
4/21/2014	1600	22	0	0	175	ovc	66	60	3.5r	
4/22/2014	1220	0	0	0	85	sct	66	60	0.5r	
4/22/2014	1400	6	0	0	129	sct	66	60	1.5r	
4/22/2014	1600	18	0	0	210	sct	66	60	3.0r	
4/23/2014	1245	8	0	0	114	bkn	68	60	0.5r	
4/23/2014	1415	0	0	0	144	bkn	68	60	1.5r	
4/23/2014	1600	0	0	0	180	sct	68	60	3.5r	
4/26/2014	1145	6	0	0	232	bkn	62	60	1.0f	
4/26/2014	1300	12	0	0	248	bkn	62	60	0.5f	
4/26/2014	1600	22	0	0	270	bkn	62	60	0.5r	
4/27/2014	640	0	0	0	165	bkn	60	60	3.0r	
4/27/2014	1130	0	0	0	162	sct	64	60	2.0f	
4/27/2014	1300	25	0	0	170	sct	65	60	0.5f	
4/27/2014	1600	0	0	0	205	sct	65	60	2.5r	
4/28/2014	645	0	0	0	130	clr	68	60	2.0r	
4/28/2014	1045	10	0	0	85	clr	68	60	3.5f	
4/28/2014	1300	0	0	0	98	clr	70	60	2.5f	
4/28/2014	1400	0	0	0	115	clr	70	60	1.0f	

4/29/2014	630	0	0	0	81	clr	70	60	0.5r	
4/29/2014	1300	0	0	0	106	sct	85	60	3.5f	
4/29/2014	1500	0	0	0	120	sct	88	60	1.5f	
4/30/2014	1300	0	0	0	125	sct	86	60	3.0f	
4/30/2014	1500	5	0	0	130	sct	88	60	2.0f	
5/1/2014	640	0	0	0	64	sct	64	61	0.0r	
5/1/2014	1225	0	0	0	8	sct	90	61	3.5f	all seals on rocks
5/1/2014	1840	0	0	0	104	sct	88	61	2.5r	
5/2/2014	800	0	0	0	16	clr	80	61	0.5r	
5/2/2014	1200	3	5	0	16	clr	90	61	3.5f	
5/3/2014	650	0	0	0	74	clr	62	61	0.0f	
5/3/2014	1230	0	5	0	15	sct	82	61	3.0r	
5/3/2014	1300	0	0	1	20	sct	82	61	3.0r	
5/3/2014	1400	0	6	0	12	sct	85	61	3.0f	all seals on rocks
5/4/2014	530	0	0	0	248	bkn	58	62	1.0f	
5/4/2014	1130	4	0	0	6	bkn	58	62	2.5r	
5/4/2014	1300	5	0	0	6	sct	65	62	3.0r	all seals on rocks
5/4/2014	1400	12	0	0	48	sct	66	62	3.2r	
5/4/2014	1500	5	0	0	92	sct	65	62	3.0f	
5/5/2014	630	0	0	0	275	ovc	59	62	1.5f	
5/5/2014	1230	14	0	0	186	ovc	64	62	2.0r	
5/5/2014	1400	2	0	0	203	bkn	65	62	3.0r	
5/5/2014	1500	26	0	0	225	ovc	63	62	3.5r	
5/6/2014	700	0	0	0	262	bkn	58	62	2.0f	
5/6/2014	1300	0	0	0	226	bkn	65	62	1.5r	
5/6/2014	1515	13	0	0	251	sct	60	62	2.5r	
5/7/2014	1230	0	0	0	124	sct	64	62	1.0r	
5/7/2014	1400	17	0	0	157	sct	64	62	2.5r	
5/7/2014	1500	16	0	0	178	sct	64	62	3.0r	
5/8/2014	1300	0	0	0	98	sct	66	62	1.0r	
5/9/2014	630	0	0	0	207	bkn	58	62	3.5f	
5/10/2014	700	0	0	0	257	ovc	58	62	4.0r	
5/10/2014	800	0	0	0	237	sct	62	62	3.5f	
5/10/2014	1015	2	0	0	140	sct	65	62	2.0f	

5/10/2014	1200	0	0	0	121	sct	66	62	1.0f	
5/11/2014	600	0	0	0	186	sct	58	62	3.5r	
5/11/2014	1215	2	0	0	125	clr	67	62	1.5f	
5/11/2014	1300	0	0	0	131	clr	67	62	1.0f	
5/11/2014	1600	16	0	0	183	clr	67	62	3.0r	
5/12/2014	710	0	0	0	165	clr	65	62	3.0r	
5/12/2014	1215	0	1	0	12	clr	82	62	2.0f	
5/12/2014	1630	0	1	0	1	clr	80	62	2.5r	
5/13/2014	635	1	0	0	161	clr	65	62	2.5r	
5/13/2014	1400	0	0	0	6	clr	92	62	1.5f	
5/13/2014	1500	0	0	0	21	clr	92	62	1.5r	
5/14/2014	545	0	0	0	100	clr	62	62	0.5r	
5/15/2014	6:25	0	0	0	83	clr	62	63	0.0r	

Children's Pool Beach Closure Monitoring Plan

Harassment Incident Form

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12/15/14	0600			BEACH CLOSED SIGNS PUT UP.	
12/16/14	1645	E	2	OBSERVED WOMAN ON BEACH. AFTER	2
				CONDUCTING F.I. GAVE HER A WARNING	
				NO SEALS WERE DISTURBED	
12/21/14	1125	E	1	HIGH TIDE AND SURF WASHED OUT 1ST ROPE	
				POST	
12/21/14	1310	E	1	OBSERVED MAN RUN ACCROSS BEACH, CLIMB UP ONTO	2
				BREAKWATER, TAKE PHOTO OF SEALS, GO BACK	
				ONTO BEACH BEHIND ROPE, RUN BACK ACROSS.	
				CONDUCTED F.I. AT TOP OF STAIRS. ON	
				G. ANAND FROM INDIA. RELEASED WITH A WARNING	
12/21/14	1100	E	1	GMW'S PLACED WASHED OUT POST AGAINST	
				BACK WALL AND COILED ROPE. PLACED ROPE	
				ON 2ND POST.	
1/4/15	1100	E	1	UPON ARRIVAL OBSERVED 4 SETS OF FOOTPRINTS	
				ON BEACH BEHIND ROPE	
1/4/15	1125	E	5	MAN IN KAYAK PADDLED TO ABT 100 YDS FROM	
				BEACH. 8 OF 33 FLUSHED.	
1/4/15	1350	E	3	OBSERVED MAN + WOMAN WALKING ONTO	3
				ROCK AT TIP OF BRKWTR. LOW TIDE AND NO	
				SURF ALLOWING PEOPLE TO WALK ON ROCKS	
				ON SEA SIDE OF BRKWTR. ALL 33 SEALS	
				FLUSHED. CONTACTED COUPLE WHEN THEY	
				RETURNED TO SIDEWALK. VISITORS FROM	
				VA. NEVER BEEN TO LA JOLLA BEFORE. NOT	
				AWARE OF SEALS. INSTRUCTED THEM OF	
				THEIR RESPONSIBILITIES AND RELEASED.	
1/4/15	1410	E	3	ANOTHER COUPLE WALKED AROUND BRKWTR	3
				ON ROCKS HEADING TOWARDS BEACH.	
				INSTRUCTED THEM TO RETURN THE WAY	
				THEY CAME.	
1/4/15	1532	E	3	3 MORE PEOPLE WALKED AROUND BRKWTR	3
				ON ROCKS. INSTRUCTED THEM TO RETURN	
1/5/15	1145			UPON ARRIVAL OBSERVED MORE FOOTPRINTS	
				ON BEACH.	

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1/5/15	1212	C	5	SNORKLER WITH SLING SWAM INTO POOL AREA	3
				4 of 34 FLUSHED	
1/5/15	1600	E	3	STOPPED 2 MALES ON SEAWALL FROM	3
				CLIMBING DOWN ONTO BEACH.	
1/10/15	0900	E	5	LIFEGUARDS FI'D SPEARFISHERMAN WHO	2
				EXITED WATER ON MID-CPB FLUSHING 40	
				SEALS. LG FI DETERMINED MAN WAS IN	
				DISTRESS DUE TO STRONG CURRENTS	
1/10/15	1214	E	5	LG RESCUE BOAT DRIVEN BY 2 LG'S	
				STOPPED IN WATER NEAR TIP OF BRKWTR	
				10 of 30 SEALS FLUSHED	
1/19/15	1338	E	5	MALE SCUBA DIVER SWAM INTO OUTER POOL	2
				AREA, STOOD UP ON RKS CAUSING 30 OF 50	
				SEALS TO FLUSH	
1/19/15	1410	E	5	2ND DIVER SWAM INTO POOL AND MET UP WITH	
				PREVIOUS DIVER. LG INSTRUCTED BOTH TO	
				EXIT AT SHELL BEACH. BOTH CLAIMED	
				DISTRESS. LG ESCORTED BOTH OUT ON CPB	
				FI'D BOTH, WARNING ISSUED	
2/1/15	1135	C	5	MALE SNORKLER IN BLACK WETSUIT SWAM	3
				INTO POOL AREA CAUSING 25 of 60 SEALS	
				TO FLUSH. HE SWAM AWAY AFTER A FEW	
				MINUTES	
2/2/15	0920	E	1	LG'S OBSERVED WOMAN WALKING DOWN	2
				STEPS TO THE BEACH. FI REVEALED HER	
				AS AN OUT OF TOWN VISITOR. RELEASED	
				WITH A WARNING	
2/7/15	1242	C	5	2 MEN SWAM INTO POOL AREA AND STOOD UP	3
				IN SHALLOW WATER. LG ORDERED THEM TO	
				SWIM AWAY. THEY COMPLIED. 10 OF 60 FLUSHED.	
2/16/15	1302	E	3	AT LOW TIDE A MAN AND WOMAN WALKED	2
				AROUND TIP OF BREAKWATER ON SEAWALL	
				ROCK INTO VIEW OF SEALS. 40 OF 58 FLUSHED	
				VISITORS WERE FROM OUT OF TOWN. GAVE	
				WARNING	

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3/8/15	1226	E	N/A	VERY LOW FLYING BIPLANE (YELLOW), LESS THAN	N/A
/				30 FT ABOVE WATER PASS VERY CLOSE TO	
/				BREAKWATER. 20 OF 80 SEALS FLUSHED	
4/11/15	1125	C	2,5	3 SPEARFISHERMEN EXITED WTR AT MID-BCH.	2
/				FI REVEALED THEY WERE VISITORS UNFAMILIAR	
/				WITH THE AREA. RECORDED THEIR ID INFO	
/				AND RELEASED WITH A WARNING. NO SEALS	
				FLUSHED.	
5/7/15	1145	C	3,5	LIFEGUARD ENTERED WATER AT MID-BEACH	3
/				WITH RESCUE BOARD TO RESCUE SPEARFISHERMEN	
/				IN DISTRESS OFF TIP OF BREAKWATER. AFTER	
/				GETTING ONE TRAPPED MAN ON THE BOARD 2	
/				LIFEGUARDS AND 3 SPEARFISHERMEN EXITED	
/				WATER ON CPB. 100 SEALS FLUSHED, 25	
/				REMAINED	

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Children's Pool Monitoring Plan

Harassment/Incident Form

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5/16/15	0600	E		REMOVED "BEACH CLOSED" SIGNS AND CHAIN	
5/16/15	1138	A	2	2 WOMEN CROSSED ROPE TO GET CLOSER TO	2
/				SEALS. 10 OF 210 MOVED AWAY IN RESPONSE	
5/21/15	1300	A	2	MAN WITH 2 CHILDREN ON BEACH INSIDE ROPE.	3
/				WHILE MAN WAS SWIMMING THE BOY AND GIRL	
/				APPROACHED 20 SEALS ON BCH. 10 OF 30 FLUSHED	
/				VIEWED INCIDENT ON VIDEO	
5/23/15	1549	A	2	20 PEOPLE CROSSED ROPE AND APPROACHED	2
/				SEALS 15 OF 130 FLUSHED. INSTRUCTED ALL	
/				VISITORS TO MOVE BACK BEHIND ROPE	
5/24/15	1240	C	5, 2	MALE SWIMMER EXITED WATER AT MID-BCH	3
/				5 OF 16 FLUSHED.	
5/25/15	1240	A	2	FAMILY CROSSES ROPE TO WALK TOWARDS	2
/				SEA CAVE. 4 y/o BOY BREAKS AWAY AND RUNS	
/				TOWARD SEALS. 15 OF 200 FLUSH	
5/25/15	1422	A	2	3 CHILDREN CROSSED ROPE AND APPROACHED	2
/				SEALS TO WITHIN 10'. 10 OF 200 FLUSHED	
5/25/15	1438	A	2	30+ PEOPLE CROSSED ROPE TO APPROACH	3
/				SEALS. 20 OF 200 FLUSHED. MOVED PEOPLE	
/				BACK ACCROSS ROPE	
5/30/15	1234	C	5	3 SWIMMERS WITH ORANGE FLOATS SWAM	3
/				AROUND TIP OF BRKWTR. 50 OF 170 FLUSHED	
6/1/15	1340	A	2	4 WOMEN + 1 GIRL CROSSED ROPE TO	2
/				APPROACH SEALS 10 OF 20 FLUSHED	
6/1/15	1441	A	2	MAN WITH CAMERA CROSSED ROPE TO	2
/				APPROACH SEALS TO ABT 20ft. 15 OF 30 FLUSHED	
6/21/15	1339	A	2	WOMAN APPROACHED SEALS ON SEAWALL ROCK	2
/				2 OF 7 FLUSHED	
6/23/15	1421	A	2	GROUP OF PEOPLE CROSSED ROPE AND APPROACHED	3
/				SEALS. 10 OF 30 FLUSHED	
6/27/15	1336	A	2	PEOPLE APPROACHED LAST 2 SEALS ON SEAWALL	3
/				ROCK CAUSING THEM TO BOTH FLUSH.	
6/28/15	1236	A	2	PEOPLE APPROACHED LAST 2 SEALS ON SUB	3
/				ROCK CAUSING BOTH TO FLUSH.	
/					
/					

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6/29/15	1320	A,C	2,5	ONE OF THE WAGONEER TWINS WALKED INTO	2
/				WATER AT MID-BCH WHICH CAUSED ALL	
/				SEAGULLS TO TAKE OFF WHICH FLUSHED	
/				24 OF 33 SEALS	
6/29/15	1331	A,C	2,5	MAN CLIMBED OVER SEAWALL RAILING	2
/				AND DOWN ONTO BEACH THEN WENT INTO	
/				WATER BETWEEN SEAWALL AND SUB ROCK	
/				7 OF 9 SEALS ON ROCKS FLUSHED	
7/11/15	1202	A	2	CONTINUOUS PARADE OF VISITORS APPROACHING	3
				SEALS ON SEAWALL ROCK AND CORNER OF	
				BEACH FLUSHED LAST OF 8 INTO WATER	
7/11/15	1305	A,D	2	OBSERVED MAN WITH ABT 2 y/o BOY IN	2
/				HAND WALK UP TO SMALL SEAL LAYING ON	
/				BEACH. BOY KICKED SEAL, SEAL JUST	
/				LOOKED AT BOY. CONTACTED PATRENTS WITH	
/				BOY. INSTRUCTED THEM TO LEAVE OR	
/				BE CITED. THEY LEFT.	
7/21/15	1100	E	1	UPON ARRIVAL OBSERVED ROPE CUT BTWN	
/				POLES 2 AND 3 AND A SECTION MISSING	
/				REPLACED WITH NEW ROPE	
7/27/15	1312	A	3	A BOY APPROACHED 6 SEALS ON SUB ROCK	3
/				1 OF 6 FLUSHED	
7/27/15	1341	A	3	2 BOYS APPROACHED 3 SEALS ON SEAWALL	3
/				ROCK. 2 FLUSHED	
7/29/15	1349	A	3	MANY PEOPLE APPROACHING 9 SEALS ON SEAWALL	3
/				ROCK. 2 FLUSHED. MOVED PEOPLE OFF ROCK	
/				AWAY FROM SEALS. REMAINED ON SEAWALL	
/				UNTIL 1445	
7/29/15	1448	A	3	3 MINUTES AFTER LEAVING SEAWALL	3
/				REMAINING 2 SEALS FLUSHED BY CROWD	
8/10/15	0905	B	2	FAMILY OF 3 CROSSED ROPE AND PUT DOWN	2
/				A TOWEL ABT 100' FROM 16 SEALS. 15	
/				FLUSHED. CONTACTED FAMILY, TOURISTS	
/				FROM NY	
8/10/15	1044	A	3	2 WOMEN APPROACHED 5 SEALS ON SUB ROCK.	3
/				2 FLUSHED. MOVED WOMEN BACK.	

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8/11/15	0953	A	3	2 MEN APPROACHED 12 SEALS ON SEAWALL RK.	2
				4 FLUSHED. CONTACTED MEN. FOOL ENGLISH	
8/15/15	1230	E	1	SIGN OF POST #2 WAS FOUND RIPPED OFF AND	
				LAYING NEXT TO POST #3	
8/17/15	1213	A	3	PEOPLE APPROACHING SEALS ON SEAWALL ROCK	3
				CAUSED LAST 4 SEALS TO FLUSH	
9/16/15	1535	A	2	MOTHER AND DAUGHTER CROSSED ROPE AND	2
				WALKED ALONG CLIFFSIDE. THEIR ACTIVITY	
				AT THE WATERLINE FLUSHED 5 OF 37 SEALS	
				ABOUT 120' FEET AWAY. INSTRUCTED BOTH	
				TO MOVE BACK ACROSS ROPE	
9/16/15	1410	A	2	WOMAN CROSSED ROPE AND APPROACHED	2
				SEALS. 6 OF 33 FLUSHED. CONTACTED	
				WOMAN, WHO WAS A VISITOR FROM BRAZIL.	
				SHE FOLLOWED INSTRUCTIONS	
9/21/15	1330	A	2	WOMAN CROSSED ROPE AND APPROACHED 2	2
				SEALS. BOTH FLUSHED WHEN SHE GOT TO	
				10' OF THEM. CONTACTED WOMAN WHO WAS	
				FROM TX WHO DID NOT READ SIGNS	
9/28/15	1320	C	3	MAN ENTERED WATER AT MID-BEACH ABOUT	3
				100' FROM 6 SEALS ON SEAWALL ROCK. 5	
				SEALS FLUSHED	
9/29/15	1345	A	2	WOMAN CROSSED ROPE AND APPROACHED	3
				25 SEALS. 4 FLUSHED. MOVED WOMAN BACK	
10/6/15	1408	E	2,5	SPEARFISHERMAN EXITED WATER ABOUT 100FT	3
				FROM SUB ROCK. 4 OF 6 SEALS ON SUB ROCK	
				FLUSHED	
10/13/15	1350	A	3	BOY APPROACHED 4 SEALS ON SEAWALL ROCK	2
				1 SEAL MOVED AWAY. ORDERED BOY OFF	
				ROCK	
10/19/15	1457	C	5	MAN IN WETSUIT SWAM INTO POOL AREA	3
				15 OF 105 FLUSHED. MAN SWAM BACK OUT.	
10/25/15	1303	A	2	3 YOUNG ASIAN MALES IN WETSUITS CROSSED ROPE	2
				HEADING FOR WATER. THEY STOPPED WHEN 21 OF	
				82 SEALS FLUSHED. ORDERED THEM BACK AND	
				CONVINCED THEM TO SWIM ELSEWHERE	

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10/25/15	1445	A	2	MAN AND WOMAN CROSSED ROPE AND APPROACHED	2
/				68 SEALS. 2 FLUSHED, 5 ALERTED. ORDERED	
/				THEM BACK ACROSS ROPE	
10/26/15	1400	A	2,5	2 MEN CROSSED ROPE AND ENTERED WATER	3
/				ABOUT 20 FT FROM CLOSEST SEAL. 20 OF	
/				60 FLUSHED.	
11/1/15	1410	A	2	6 SEALS HAULED OUT ONTO BEACH IN MIDDLE	2
/				OF 50+ PEOPLE INSIDE ROPE. CROWD GATHERED	
/				AROUND SEALS WHO DID NOT APPEAR CONCERNED.	
/				OBSERVED A MAN TOUCH A SEAL THEN WENT	
/				DOWN TO BEACH AND HAD PEOPLE STEP BACK.	
11/24/15	1312	A	3	OBSERVED BOY CLIMB OVER RAILING AT	2
/				TIP OF BREAKWATER, CLIMB DOWN SEAWALL	
/				ONTO SEAL ROCK CAUSING LAST SEAL TO	
/				FLUSH, THEN RUN ONTO BEACH SCARING	
/				ALL GULLS INTO THE AIR. MADE CONTACT	
/				WITH 10 y/o BOY FROM KANSAS WHO COMPLIED	
/				WITH MY INSTRUCTIONS	
11/28/15	1310			WHITE MALE 45 y/o CLIMBED OVER RAILING	2
/				ON BREAKWATER AND FORCED RESTING	
/				SEA LION PUP ON TOP STEP INTO WATER.	
/				CONTACTED MAN, CLAIMED HE THOUGHT PUP	
/				NEEDED TO BE IN WATER. ORDERED MAN TO LEAVE.	
12/2/15	1243	A	2	ASIAN MAN, WOMAN, AND CHILD CROSSED ROPE	2
/				AND APPROACHED 9 SEALS IN SEA CLIFF	
/				CORNER. 7 FLUSHED. ORDERED THEM BACK.	
/				ONLY WOMAN SPOKE LIMITED ENGLISH	
12/2/15	1503	A	2	MAN CROSSED ROPE TO APPROACH 6 SEALS	2
/				AT SEACLIFF CORNER. ALL 6 ALERTED.	
/				ORDERED MAN BACK.	
12/12/15	1145	E	2	1ST ROPE POST WASHED OUT DUE TO HIGH	
/				TIDE AND SURF.	
12/15/15	0600			BEACH CLOSED FOR PUPPING SEASON	

Activity Code: A=walking towards seals, B=sitting on beach, C=swimming near seals, D=touching seals, E=other (describe in notes)

Location Code: 1=beach behind rope, 2=beach in front of rope, 3=seawall or rocks at base of seawall, 4=Submarine rock, 5=in water

Disposition Code: 1=Citation issued, 2=Field Investigation(Warning), 3=Other(Describe in notes)

From:	John Leek
To:	ChildrensPool@Coastal
Subject:	Recommendations give to Park and Recreation Dept from La Jolla Parks and Beaches working group
Date:	Monday, April 15, 2019 5:02:34 PM
Attachments:	3_28_19 LJPB Recommendations from Mar LJPB working group.pdf

In the February meeting of the La Jolla Parks and Beaches Advisory Board a Working Group was formed of 6 knowledgeable and concerned members to study the effects of the Children's Pool Closure and Rope Barrier permit renewals. The charter La Jolla Parks and Beaches inc is to provide advice and recommendations to Park and Recreation Department for its most effective operation. A set of recommendations was submitted and approved by the membership to be delivered to Park and Recreation Dept leadership.
It was also voted for the Working Group to send a copy to the Coastal Commission and that document is attached here.

Please add this email and its attachment to the public comment file for the Commission to consider.

March 28, 2019

Mr. Herman Parker, Director
Park & Recreation Department
City of San Diego, MS 37C
Ref: La Jolla Recommendations Concerning Permit Renewals for Closure and Rope Barrier permits at Children's Pool.

Recommendation categories with explanations afterward are:

1. Do not renew. It was not in the best interest of Park and Recreation or its charter to change the purpose of a dedicated public beach (and parkland) from public use to a closed state animal reserve, though a City Council majority wanted it for the tourism. [1]
2. Solicit needed legal opinions and indemnifications from the City Attorney.
3. Respond to Closure Permit condition terms vs CCC misgivings in its letter of 2/21/19. The research, evaluations and considerations were ok. See recommendation 4.
4. At most, P&R should request a 2 year permit renewal for time to adequately prove meeting the intended conditions of the original permits, but have CCC designated contractors do so.
5. Replace the federal signs claiming beach visits have been killing seal pups in La Jolla.

1. Do not renew: due to unforeseen cost and liability in the permit process, past and future. Park and Recreation (P&R) should not be committed to an expensive, never ending and dangerous path to its disadvantage. Evidence P&R has submitted does not substantiate danger to the public from seal feces, nor verified pup abandonments, no enforceable offenses seen against seals on either of our seal rookeries. Data shows a few signs now suffice to educate (intimidate) the public to treat urban pinnipeds appropriately in our La Jolla seal and sea lion rookeries (see item 5). Rangers don't even have to be there. A complete lack of seal harassment on the unattended adjacent South Casa Beach rookery is the comparative example.

Legal action to protect the Children's Pool closure permit cost the City a lot and future implementation will cost P&R forever. The real winners were special interest groups and NOAA/NMFS being able to give away management responsibility for urban pinnipeds. The most affected, whose best interests were ignored were the people of La Jolla, the Children, and seals exploited for tourism. The assumption seals are better off relying on people for shelter than being on their own in the wild is not supported. Seal and sea lion populations are well past historic levels and communities all over California will share our pain.

Park and Rec should follow the precedent of the Seal Rock Reserve and not pursue renewal. As with that 5 year temporary reserve, closure is the wrong answer to the wrong problem.

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[1] When the City sought to alter the Children's Pool Trust to allow shared use, the City Attorney said he would do so using City lobbyists in Sacramento such as San Diego Association of Governments. And he did, though the lobbying did not produce the wording the City Council had said it wanted.

2. Legal Opinions Needed: Solicit legal opinions from the City Attorney.
This renewal relies on a successful appeal seeming to reverse a Superior Court ruling that the closure was illegal under the MMPA section 109(a).[2] But the appeal ruling did not address that issue. They ruled the Coastal Commission could interpret its Coastal Act to grant a permit to San Diego to proceed anyway. Question for the City Attorney: Can the Commission under the Coastal Act legally issue a permit to San Diego to violate other laws, but leave San Diego liable for then enforcing the illegality?
Park and Rec needs City Attorney indemnification against any charges P&R staff has held private undocumented meetings with Commission Staff or NOAA in violation of the Brown Act. Before P&R accepts responsibility for protection of marine mammals on beaches, the City Attorney's office should review the verdict brought concerning sea lions on the Cove bluffs in which the court agreed with City Attorney Goldsmith; "The City is not responsible for the actions of wild animals".
Some might assume potential disturbance of marine mammals in the Coastal Zone is now illegal under the Coastal Act and for California communities to enforce. Ask the City Attorney: Who now enforces when NOAA does not respond on beaches with pinnipeds? Hopefully not scarce rangers or lifeguards or police. Suggest California Fish and Wildlife dept. should monitor and enforce animal harassment on beaches under California Code 251.1.[3]
Ask of the City Attorney; If future marine mammal/citizen approach conflicts are to be resolved per conformance to the Coastal Act, then enforced by whom? [4]
The Coastal Commission does not have any police force. Communities enforce their own Local Coastal Plan. But anybody can sue anybody else under the Coastal Act. What will prevent activist groups from suing San Diego under the Coastal Act for perceived failure to protect its marine mammal resources?
For police to enforce seal and sea lion well-being requires resources. It is reported after Children's Pool was closed, police calls dropped 90%. Good, but that only showed the real belligerents on the sidewalks had been appeased. Back then there was only one ranger needed on one beach. Citations of people for seal "harassment" have had a zero conviction rate. Northern Division Police protocol since 2007 says protection enforcement is for NOAA only. See their website item. Children's Pool

3. The 2014 closure special conditions: included studies and annual data reports returned to the CCC, which have not been fully accepted. "Why did they not specify what was really wanted 5 years ago?" is not the right answer. Meeting the conditions was up to Park and Rec personnel also pursuing their department goals while beset by special interest groups and unsubstantiated "findings" from the most respected but not disinterested authority; NOAA/National Marine Fisheries. (See item 5)

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[2] Sec 109(a): No state shall enforce or attempt to enforce any law concerning the take of marine mammals….
[3] …. no person shall *harass*, herd or drive any game or nongame bird or mammal…… harass is defined as an intentional act which disrupts an animal's normal behavior patterns
[4] A citizen complaint resulted in a warning from Coastal Commission Enforcement to Children's Pool beachgoers that moving wrack (seaweed) to enhance beach visiting was not allowed under the Coastal Act. P&R refuted evidence it had ever cleaned Children's Pool Beach and said it never would. But when the CP Ranger notified beachgoers of the ruling he was ignored because he had to admit he had no authority to enforce the Coastal Act.

The final permit LCP-6-LJS-14-0607-1 was certified and delivered in November 2014. The Commission office indicated unmet condition requirements in a letter of 2/21/19. Commission staff had been invited to a slide show last year to review the case for calling Special Conditions met. Some would see such private undocumented meetings with Commission Staff more as federal lobbying than submission of requested material. The same for Item 5.
To best answer CCC conditions misgivings, consider

a. "*Feasibility of providing ADA-compliant access to the sandy beach area of Children's Pool Beach*" was a badly worded requirement. A Court decision meantime had ruled strict Federal standard ADA compliance was not required on all major beaches. P&R maintains it was not obliged to check what the CCC might have otherwise wanted or would settle for. It was the CCC who used the legal term ADA-Compliant so did not require San Diego to otherwise find reasonable accommodations or mitigations.
b. Analyze water quality. Citing new Total Maximum Daily Load (TMDL) state standards for animal waste runoff, consultants determined there never was dangerous bacteria from seals or basis for Health Department warnings. P&R needs to better explain to the CCC though the water is unchanged, San Diego need not act on outdated Health Department findings. San Diego had its own contractors measure and analyze bacteria and is not responsible for vintage County Health Department postings that discourage public access.
c. Sluiceways: Relies on old studies done when the City was fighting a court order to restore the Pool to public use. P&R needs to provide the CCC facts found after the permit conditions were imposed. Unfortunately, what was submitted seems to conclude it is only projected cost and trouble that make restoring sluiceways "not feasible". Real experiments need to be performed.
d. A slide show meeting by P&R personnel failed to completely convince the CCC staff. Not the fault of P&R personnel. The presenters were not conversant with contractor findings and methods and those contracts were closed. P&R should open new contracts with Ametec Foster Wheeler and such to have them present their data and findings to the CCC.

4. Request a 2 year permit extension: to do better more complete studies. The time would also allow renewal participation by Californian Fish and Wildlife and State Lands Commission, as they had petitioned against the Seal Rock Reserve and now could be the rightful enforcement authorities with NOAA unaccountable.

5. Replace federal signs: P&R accepted signs off the record from NOAA Long Beach in Jan 2017 to post at our 2 adjacent seal rookeries. Their unsubstantiated claims that people visiting beaches results in abandoned pups serve to inhibit access just as a Rope Barrier would, and have re-invigorated activists to harass the public should citizens cross their "Line in the Sand" at South Casa Beach. They demand Lifeguards help them.
The La Jolla Light has run an incendiary video for a year "Harassed seals abandon their pups La Jolla's Children's Pool" (no, wrong beach) loosely based on these signs and it belies Ranger data submitted to the CCC. Accurate and helpful replacement signs simply could just say what NOAA has used in the past: "If any seal is looking at you, step back". But please advise the Coastal Commission this time before taking action.

From John Leek, Jleek001@san.rr.com

To California Coastal Commission staff public input on Children's Pool public access restrictions renewal. With attachment, federal law enforcement letter to San Diego.

Addr Childrenspool@coastal.ca.gov.

San Diego sought its permit to close the Children's Pool to the public under duress of federal threats to its citizens. Letters from NOAA Office of Law Enforcement were cited, threatening action against San Diego citizens, such as the one attached here from 2006. In light of last year's court victory against federal jurisdiction forcing adherence to federal policies by San Diego or the Coastal Commission, these should be re-evaluated.

1. March 2006; Don Masters Office of Law Enforcement states NOAA had placed signs on the beach, without need of a Coastal Permit that San Diego would have needed.
2. He cited numerous communications to his office claiming to have witnessed violations of federal law he was choosing not to investigate. Limited federal resources required San Diego make them stop. Claims the Agency had increased patrols on the beach were either untrue or only for show – NOAA has an abysmal conviction rate. Of course it could not carry out his threats of wholesale prosecutions.
3. Supposedly out of concern for our citizens he issues a warning – and a strong recommendation that San Diego close the beach, to preclude his agency taking action. Only his agency did take action before and was forced to dismiss the charges against the one swimmer of 9 his agency cited. She won in court in 2006. If Commission staff is unfamiliar with the case of the "La Jolla 9", it needs to be.
4. Even the rope was dictated by his ending threat, that without it our citizens will likely be found in violation of the MMPA and cited federally for it. An empty threat.
5. Mr Masters and NOAA Staff had to send more threatening letters to bully San Diego into attempting the first federally required closure of California shoreline to its citizens. And the Commission could hardly refuse. Until now.
6. I was federally cited in NOV 2007 when I entered the Children's Pool beach to scuba dive and several seals went in too. As Masters had feared, NOAA was notified with a video identifying us. We were cited; not by NOAA. An agent of Federal Fish and Wildlife did it, though he lacked jurisdiction for seals. The case was accepted as being NOAA's and I were offered successively diminishing plea bargains. Monthly for a year. I was finally offered a $0 fine with no penalty. "Just say you are sorry". I refused and requested again to be arraigned. Despite threats to increase the fine, I opted to serve as my own attorney, so I should have been easy pickings if NOAA had any case. I was disappointed to have my case unexpectedly dismissed.
7. Bottom Line: NOAA has misused its discretionary powers to try to force San Diego to solve problems it created; to shed its responsibility but retain power. The Coastal Commission never has to let that happen again.

John Leek

3090 Admiral Ave, San Diego, 92123

NR&C APR 0 5 2006 #10

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Office for Law Enforcement
Southwest Region
501 W. Ocean Blvd., Suite 4300
Long Beach, CA 90802

March 21, 2006

Mayor Jerry Sanders
City Administration Building
11th Floor
202 C Street
San Diego, CA 92101

Dear Mayor Sanders,

I am writing in regard to the marine mammals at La Jolla's Children's Pool and steps we can take to protect them and the people in the community. In the past few months, there have been numerous calls and other communications to NOAA's Office for Law Enforcement (OLE) regarding incidents of marine mammal harassment by the public at the Children's Pool Beach (CPB) in La Jolla, CA. As you know under the Marine Mammal Protection Act (MMPA), §16 U.S.C. 1372 (a)(2)(A), *it is unlawful for any person or vessel or other conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States.* Harassment is listed under the definition of 'take.'

> Take means to harass, hunt, capture, collect, or kill, or to attempt to... any marine mammal.
>
> Harassment (Level B) means any act or pursuit, torment, or annoyance which has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering but which does not have the potential to injure a marine mammal or marine mammal stock in the wild.

The CPB receives an estimated 80,000 visitors per month which increases the potential for seal/human interaction. OLE has placed two signs down on the beach which warn the public to keep a safe distance from the hauled out seals and sea lions. While the guidelines are useful, they have not prevented actions that could be considered harassment from occurring at the beach, particularly during pupping season. The OLE has received over 60 HOTLINE calls reporting alleged marine mammal harassment at the CPB since January 1, 2006. The agency responded to these complaints by increasing the number of patrols to the beach, especially on weekends but, resources do not afford us with the ability to maintain a constant presence.

03/29/2006 15:23 The City Attorney Civil Div. → 9161923673329 NO.140 D00
619 533 6582

Harbor seals haul out at CPB for breeding, nursing, molting, and resting. The pupping season at the CPB is from January through the end of April. Typically, the pup is born and weaned during the late spring. Nursing usually lasts about 3-6 weeks, averaging about 4 weeks until the pup is weaned. Unlike many other seal pups, harbor seals are able to swim at birth, but harbor seal mothers are very protective and the mother/pup bond is very important, particularly during the time immediately following birth.

California State Parks closed beaches in Arroyo Laguna and Piedras Blancas because of concerns of elephant seals being harassed at sites they are known to haul out to rest, give birth, care for their pups, and molt.

OLE is concerned that the public will continue to harass marine mammals and continue to be subject to citation under the MMPA at CPB. Therefore, we strongly recommend, as well, that the City close the CPB during the remainder of pupping season (through the end of April). The closure during this time will afford the City with time to decide, plan, and place into action a more permanent strategy for the CPB.

In the event you decide against a temporary closing of the beach, as conducted at Arroyo Laguna and Piedras Blancas, consider reinstating the CPB rope barrier that was once in place. Unfortunately, in the past the rope barrier did not deter the "determined" individual(s) from approaching the seals. The rope barrier will provide a clear message for those that have a sincere desire to respect the marine mammals present on the beach, and therefore will provide some level of heightened protection for the adult and newborn seals. The rope barrier will also aid in informing humans when they are more likely to be found in violation of the MMPA and potentially cited. This option has been supported by Susan Davis, Member of the U.S. Congress (House or Representatives).

OLE appreciates and looks forward to a continued opportunity to work with you in assisting you fulfill your goals as well as protect the animals and citizens of our community.

Sincerely,

Donald W. Masters
Special Agent in Charge

cc: Julie Teel, Office of the City Attorney
April Penera, City Manager's Office
Dale Jones, Director, Office for Law Enforcement
Rod McInnis, Regional Administrator, SW Region

02/29/2008 15:23 THE CITY ATTORNEY CIVIL DIV. → ARROYOGRANDE 002/002

From John Leek, Jleek001@san.rr.com

To California Coastal Commission staff public input on Children's Pool public access restrictions renewal.

Addr Childrenspool@coastal.ca.gov.

I had accused a federal agency of tampering with California politics and using fake news to do it, even though that agency is charged by Congress to always work from "the best available science". I promised more information how 5 years ago an earnest local office was given incomplete and often false information to work with. Some came from the applicant, some from National Oceanic and Atmospheric Administration/National Marine Fisheries Service (NOAA)(NMFS).
To fence off a public beach in California any time should require an emergency permit, and San Diego had an emergency. The City was under intense political, legal and economic pressure. It needed a permanent emergency permit. There were no dying seals. Our seals were doing better among us than in the wild and they knew it. They would have left otherwise. It was not that kind of an emergency.

The following can be confirmed from court documents you already have on file = O'Sullivan vs City of San Diego, 2005. It is essential reading.
NMFS come to San Diego in 1999 to ask it to end seal and people cohabitation and San Diego had ignored them. NMFS threatened to declare the beach a permanent seal haul-out and rookery which would preclude human use and fishing, (They were bluffing) but NMFS wanted the City to make the decision. It would have to wait a long time.

"On September 14, 2004, the City Council once again held hearings on the Children's Pool. Addressing the Council that day was James Lecky of the NMFS. He advised the Council that harbor seals are a healthy species which are growing in population and not in anyway endangered or threatened as a species. In fact, as the population of harbor seals expands "[t]hey are causing problems ... up. and down the coast in terms of invading harbors, causing property damage and limiting access to beaches that are important for other " public uses." He then told the Council: "The tools that are available to the City and other local governments agencies really reside in [Marine Mammal Protection Act] §109(h)." He said "animals can be moved out of an area if they are either presenting a public nuisance or they're causing a public health hazard." It was his position that the seals at Children's Pool were a local issue for the City to resolve. [Exh 129.] At the end of the meeting, the Council voted "to design and permit the sand removal project and open the pool for year-round use. Direct that the opening of the sluiceways in the Children's Pool be evaluated as an alternative method to obtain the sand removal and tidal flushing as part of this effort. Direct that the rope barriers and sign posts be immediately removed to restore public access to the area and that new signs be placed."

Neither San Diego nor NMFS ever came up with a solution nor would accept the responsibility for one. NMFS sent letters to San Diego "strongly recommending" that the City close the beach. When NMFS made claims the seals were endangered by human contact animal lovers demanded neither try to disturb the seals. NMFS stepped up claims San Diego's negligence was promoting deadly human contact with seals, even resulting in mother seals abandoning their pups, which caused a frenzy on the streets and sand. Volunteer "docents" from Sierra Club, Humane Society, Sea Shepherd, Animal Protection and Rescue League and splinter factions were drawn to San Diego to "save the seals" and fight for a permanent closed reserve though it might violate the State Constitution, the Coastal Act, and the Marine Mammal Protection Act too. If the law impeded them, civil disobedience was the no problem to "save the seals". San Diego had an emergency.

The Commission files contain letters NMFS sent to San Diego continuing to urge San Diego to assume responsibility for the seals NMFS was sworn to protect from depletion and extinction. San Diego needed to do it because NMFS still lacked the resources to deal with San Diego's problem.

The Commission issued a 5 year permit, conditioned on San Diego finding solutions to some of the problems it had ignored and even fought court orders to fix in the past = bacteria, pollution, sand capture, no population or beach use

data, verification of harassment and abandonments, actual rope barrier effectiveness. A demonstration San Diego really had an emergency that could not have been solved before by effective governance.

In the interim, a rookery was "rediscovered" next door to Children's Pool where mother seals brought pups to nurse and rest, in complete confidence they were safe among people. NMfS continued to disguise their own census numbers that California harbor seals had exceeded carrying capacity for their species in the Channel Islands before the came here. In 2013, sea lions also exceeded the carrying capacity of the Channel Islands and sea lions began to appear all over the mainland, starving and looking for new territory. NMFS admitted to their overpopulation in 2017 and to their migration to urban beaches, but did not recommend any beaches be closed, even when overrun by gregarious and fearless "citified' sea lions. A double standard was adopted, seals may die if exposed to people, sea lions prosper.

So the landscape is completely different today for the Commission. The Commission fought to justify its granting a federal responsibility to San Diego and won. It was aided by complete silence from NMFS during hearings to strip NMFs of authority to manage marine mammals on the California coast. Pinniped population continues to encroach on public shoreline but in the future, the problems caused in 2 irresponsible levels of government will be pushed on to the Commission, if it lets that happen.

Or the Commission can do what it did with San Diego's unwarranted Seal Rock Reserve that lead to the original colonization of the Children's Pool. Put enough real conditions on San Diego that it will choose to let the permit lapse in the face of taking full responsibility for the unforeseen consequences of inattention to civic duty.

The concerned reader might question if these things can be documented. Yes. One instance follows in this letter. There are more.

CPRA 17-1078 concerned signs posted at Children's Pool and adjacent South Casa Beach claiming NOAA findings mother seals will abandon their pups to die if people approach them. No public notice, no coastal permit, though the signs would affect beach usage. NOAA Protected Resources Director brought a top cop and more to negotiate to "educate" citizens, particularly on the South Casa rookery not obstructed by Coastal Commission closure. They even slammed our ranger for not adequately intimidating citizens off South Casa, not adequately doing NOAA's job for them. There was no result, as the Ranger had no authority to drive people from a public beach by any mis-application of federal authority. The signs were posted and NOAA officers later visited to push lifeguards to push the public away – this is not story; I lived this. See attached meeting request.

The origin of those "daily reports of harassment" to NOAA will be in another letter concerning NOAA NOAA-2017-000237. NOAA has never tried to issue any citations from any of these alleged daily reports.

John Leek

3090 Admiral Ave, San Diego, 92123

South Casa Signage

1 message

Justin Viezbicke - NOAA Federal <justin.viezbicke@noaa.gov> Wed, Mar 15, 2017 at 4:31 PM
To: "Parker, Herman" <HParker@sandiego.gov>
Cc: Penny Ruvelas - NOAA Federal <penny.ruvelas@noaa.gov>

Mr. Parker-

hello and good afternoon. Per our discussion on the phone today here is what we are thinking with the signage...

The signs (see attached) will be placed on wooden or plastic stakes and then attached to the support poles (the bars that go down to the ground) via zip ties on the stairwell. We can put one at top and one in the middle and one at bottom and then possibly some in the sand just via the stake. so think we would probably have 3-5 signs up daily in the area. Or we could tie to the bars at the top of the stairs via zip ties to the top two corners of the sign and they would hang between the horizontal bars. Ideally we would like to place these signs everyday in the morning and then take them down each night so that we don't have to worry about theft/ vandalism/ graffiti. We are still working on who would be able to put these up and take them down each day and where they would be stored etc. so if you have any suggestions for storage nearby like possibly the new lifeguard tower? Could lifeguards help to put up and take down...5 minutes max for set up/ take down? what about the Ranger could he at least put these up each morning when he starts and then take them down when he leaves?

In addition we will be having a NOAA Hollings Scholar student down there this Monday to look at set up for education table that will have seal pelts and skulls for people to touch before they go down to the beach. The student will then be down there on weekends starting in April which is a little late but better than nothing. So for now we are still working on getting folks to help set up and take down that we can trust..I've got a request into Sea World to see if they could put educators down there but waiting to hear back as well as a few other people that might be interested in helping. Ideally we will have an education table set up near the top of the steps and then the signs going down so people should be much more aware of how their efforts to procure selfies really affect these animals.

We are also waiting to hear back from CDFW as they were discussing today whether they could potentially be down there on weekends so hopefully will have a better picture tomorrow of how this will all work and I will get back to you.

I've got more planning to do tomorrow and once I get the signs in (supposed to be in today but haven't seen yet) I will get a measurement and let you know how big they are etc.

--
Justin Viezbicke
California Stranding Network Coordinator
National Marine Fisheries Service
(562) 980 3230 office
(562) 506 4315 cell
justin.viezbicke@noaa.gov

3.7.2017_no_selfies_poster_with_infographic.pdf
3408K

Zolla, Adrian

From: Justin Viezbicke - NOAA Federal <justin.viezbicke@noaa.gov>
Sent: Tuesday, March 14, 2017 5:34 PM
To: Field, Andrew
Cc: Parker, Herman; Martinez, Bruce; Graham, David; Graham, Tim
Subject: Re: temporary signage for South Casa Beach Stairwell/ handrails

I will just call Herman tomorrow.
JV

> On Mar 14, 2017, at 5:12 PM, Field, Andrew <AField@sandiego.gov> wrote:
>
> Hi Justin,
>
> We are still considering the placement of the signed you've recommended (attached). I've discussed this with Herman and Bruce. I hope we will have confirmation of direction on this matter soon. Sorry for the delay.
>
> If you would like to have a phone conference, please let me know your availability over the next three days, and we'll see if we can match up our schedules.
>
> Thanks,
>
> Andy Field
> Assistant Director
> City of San Diego
> Park and Recreation Department
> T (619) 235-1110
> [cid:image001.jpg@01D25ACA.E8E4AD40]
> www.sandiego.gov/park-and-recreation<http://www.sandiego.gov/park-and-
> recreation>
>
> -A world-class city for all-
> City of San Diego Strategic Plan Vision
>
> From: Justin Viezbicke - NOAA Federal
> [mailto:justin.viezbicke@noaa.gov]
> Sent: Saturday, March 11, 2017 7:04 AM
> To: Field, Andrew <AField@sandiego.gov>
> Cc: Parker, Herman <HParker@sandiego.gov>; Martinez, Bruce
> <BMartinez@sandiego.gov>
> Subject: Re: temporary signage for South Casa Beach Stairwell/
> handrails
>
> The thought is these would only be plastic temporary signs and most likely to avoid being stolen or defaced taken down daily. If authorized we were going to laminate some for this weekend again these are all very temporary until more permanent educational signage is put up that addresses the situation. At our last meeting there were signs being discussed any movement on those? We still need to work out who will do this but am sure we could find someone. The signs will be plastic and are being printed as we speak so changing anything at this point not an option. What would you change? What are your concerns? We specifically didn't mention any laws or enforcement just really tried to hit on how disturbing mom and pups by getting close for selfies can result in problems for these pups.
>

> I would actually really like to discuss the ranger situation in person as well as the signage so maybe we could all get on the phone on Monday to discuss as much easier than emails.
>
> If you would like I can be available for discussion with your team on Monday just let me know.
>
> Justin
> On Mar 10, 2017, at 5:50 PM, Field, Andrew <AField@sandiego.gov<mailto:AField@sandiego.gov>> wrote:
> Hi Justin,
>
> Thank you for following up. I would like to give you a status update. On Monday, I will be discussing this with my superiors, and I hope to have a response back to you soon thereafter. Some questions for you: Do you have these signs pre-fabricated? Are they already in San Diego and available for pick-up? Are you able to provide us with the sign all we would need to do is install it? Or do you need us to fabricate the signs ourselves? If we wanted to amend messaging on the sign, is that something you would be amenable to do or not? It's not that we would want to make changes; we just want to understand your position on these matters.
>
> And yes, we do have shoreline park ranger support on weekends. The ranger does engage the public and helps to inform and educate people on various aspects of shoreline safety, which includes interactions with pinnipeds.
>
> Thank you again for your assistance, and my apologies for not being able to implement a sign immediately. We'll be back in touch next week.
>
> Andy Field
> Assistant Director
> City of San Diego
> Park and Recreation Department
> T (619) 235-1110
> <image001.jpg>
> www.sandiego.gov/park-and-recreation<http://www.sandiego.gov/park-and-
> recreation>
>
> -A world-class city for all-
> City of San Diego Strategic Plan Vision
>
> From: Justin Viezbicke - NOAA Federal
> [mailto:justin.viezbicke@noaa.gov]
> Sent: Friday, March 10, 2017 4:40 PM
> To: Field, Andrew <AField@sandiego.gov<mailto:AField@sandiego.gov>>
> Subject: Re: temporary signage for South Casa Beach Stairwell/
> handrails
>
> Any word? Heading into weekend where there will be lots of people down there.
>
> Does Ranger work on weekend? Does he ever proactively engage the public? Just looking for ways to better educate people down there especially since somehow I seem to be the one taking all the heat for all if this.
>
> Thanks
> Justin V
>
> On Mar 9, 2017, at 2:15 PM, Field, Andrew <AField@sandiego.gov<mailto:AField@sandiego.gov>> wrote:
> Hi Justin,
>

> I am running this request up our chain of command and hope to have a timeline for approval soon. I am sorry I can't yet be more specific than that, but please be assured we are working on it.
>
> Thanks,
>
> Andy Field
> Assistant Director
> City of San Diego
> Park and Recreation Department
> T (619) 235-1110
> <image001.jpg>
> www.sandiego.gov/park-and-recreation<http://www.sandiego.gov/park-and-
> recreation>
>
> -A world-class city for all-
> City of San Diego Strategic Plan Vision
>
> From: Justin Viezbicke - NOAA Federal
> [mailto:justin.viezbicke@noaa.gov]
> Sent: Thursday, March 09, 2017 1:32 PM
> To: Field, Andrew <AField@sandiego.gov<mailto:AField@sandiego.gov>>
> Subject: Re: temporary signage for South Casa Beach Stairwell/
> handrails
>
> Andy-
> thanks for the follow up. Please let me know as soon as possible as we would really like to get something down there as quickly as possible to try and help educate people BEFORE they get on the beach at South Casa. If you don't have an answer today can you please give me an estimate of timeline on approval. thanks for your help.
> Justin V.
>
> On Wed, Mar 8, 2017 at 5:11 PM, Field, Andrew <AField@sandiego.gov<mailto:AField@sandiego.gov>> wrote:
> Hi Justin,
>
> Thank you very much for your email. I will discuss this with my fellow staff and get back to you.
>
> Have a good evening,
>
> Andy Field
> Assistant Director
> City of San Diego
> Park and Recreation Department
> T (619) 235-1110<tel:(619)%20235-1110> <image001.jpg>
> www.sandiego.gov/park-and-recreation<http://www.sandiego.gov/park-and-
> recreation>
>
> -A world-class city for all-
> City of San Diego Strategic Plan Vision
>
> From: Justin Viezbicke - NOAA Federal
> [mailto:justin.viezbicke@noaa.gov<mailto:justin.viezbicke@noaa.gov>]
> Sent: Wednesday, March 08, 2017 12:11 PM
> To: Field, Andrew <AField@sandiego.gov<mailto:AField@sandiego.gov>>

> Subject: temporary signage for South Casa Beach Stairwell/ handrails
>
> Mr. Field.
> hello and good afternoon. Here is the sign that we are proposing to print and put up down near South Casa to try and change some of the human behavior where folks are getting very close and often touching baby seals and their moms during a pretty important time for these pups. We would like to put these up as soon as possible so please let me know what you think as soon as possible and if you have any questions etc. re: the signs please feel free to give me a call. 562 980 3230<tel:(562)%20980-3230>.
>
> --
> Justin Viezbicke
> California Stranding Network Coordinator National Marine Fisheries
> Service
> (562) 980 3230<tel:(562)%20980-3230> office
> (562) 506 4315<tel:(562)%20506-4315> cell
> justin.viezbicke@noaa.gov<mailto:justin.viezbicke@noaa.gov>
>
>
>
> --
> Justin Viezbicke
> California Stranding Network Coordinator National Marine Fisheries
> Service
> (562) 980 3230 office
> (562) 506 4315 cell
> justin.viezbicke@noaa.gov<mailto:justin.viezbicke@noaa.gov>
> <3.7.2017_no_selfies_poster_with_infographic.pdf>
> <image001.jpg>

Zolla, Adrian

From: Penny Ruvelas - NOAA Federal <penny.ruvelas@noaa.gov>
Sent: Thursday, April 06, 2017 3:47 PM
To: Parker, Herman; Martinez, Bruce; brady.hill@wildlife.ca.gov
Cc: Brian Christy; Justin Viezbicke - NOAA Federal
Subject: Requesting meeting to discuss disturbance of seals and sea lions in La Jolla

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Parker, Mr. Martinez, and Captain Hill-

Brian Christy, Supervisory Enforcement Officer - NOAA's West Coast Enforcement Division, and I would like to arrange a meeting with you to discuss ongoing human disturbance of resting, pupping, and nursing seals and sea lions in the La Jolla area. I know you are well familiar with the issues at La Jolla cove and the two Casa beaches.

Various outreach efforts have been tried or are ongoing to help educate the public, including the many tourists to the La Jolla area, about these animals and the protections of the Marine Mammal Protection Act. Yet, we all still receive daily reports of human disturbance of these animals and even behaviors such as petting animals, picking them up, or causing animals to flush into the water. Most frustrating, some of these reports indicate that City representatives such as the Ranger at Children's Pool or the lifeguards are present during these incidents and yet it appears that nothing is said to the people disturbing the animals.

Officer Christy and I would like to discuss the situation and develop some common understanding with the City and CDFW about the appropriate responses to these incidents and the messages we are providing to the public. I also know that the City is still developing a management plan based in part on the information and recommendations in Doyle Hanan's 2016 report and some of the City's deliberations on that plan may be informative for NOAA and CDFW to understand as well.

You would know best which of your folks are best suited to attend such a discussion. It may also be helpful to have representatives from the CDFW volunteer group or other groups that have been providing outreach support along the La Jolla shoreline as well. On our side, Officer Christy and I would attend and potentially staff from our Communications and Stranding Response teams would attend as well.

We propose a meeting on May 8th or 9th, when Officer Christy can be in La Jolla or San Diego. Please let me know which dates work best for you.

Regards,
Penny

--
Penny Ruvelas
Long Beach Office Branch Chief - Protected Resources Division
NOAA Fisheries West Coast Region
U.S. Department of Commerce
Office:(562) 980-4197
Mobile: (562) 225-3453
penny.ruvelas@noaa.gov

From John Leek, Jleek001@san.rr.com April 27, 2019

To California Coastal Commission staff public input on Children's Pool public access restrictions renewal.

Addr Childrenspool@coastal.ca.gov.

Federal overreach to force the Coastal Permit to close the Children's Pool.

I advised the Commission earlier how NOAA/NMFS has pressured San Diego since 2000 to end shared use at Children's Pool though without NMFS taking responsibility or expending its resources. Even after the Children's Pool was closed NMFS pushed to have San Diego limit access to the South Casa Beach rookery, though it had been left a public beach.

NMFS did not consider seal/human interaction a federal enforcement problem but a public relations problem. Citing people for potentially disturbing a seal on a public beach had been tried with famously poor results. A PR campaign called "Share the Shore was launched from Seattle; better named "Cede the Shore". It featured a claim that people within 100 yards would cause mother seals to abandon their pups. Under the MMPA. NMFS is required to always use "the best available science". I inquired in **FOIA 2017-000921** what the scientific basis for this 100 yard curtain of death was. The result is attached. Eleven articles about seals in other states, other countries, reacting to powerboats, in places seals seldom encountered people. This is the appendix titled "Seal and sea lion disturbance papers". Of course you can check FOIA's.

The Share the Shore program zeroed in on La Jolla. decrying alleged selfish and thoughtless behavior of visitors who caused disruption in the lives of our urban pinnipeds. So why did NMFS not come down and arrest some people? Ruvelas of the Long Beach office had spoken of daily reports they had of abuses. I entered request **FOIA DOC-NOAA-2016-001187**. I received a list of Facebook videos by one angry woman who stalks visitors to our South Casa seal rookery and La Jolla sea lion haulout areas seeking to "Blackfish" visitors. The spreadsheet I got is attached. Check some, and see that the charges she makes would be laughed out of court.

To fight the bad PR, NMFS chose to placate the guilty and blame the victims – people who have the audacity to go on a public beach NMFS disapproves. NMFS did not go to the Coastal Commission for a permit to carry out this campaign to limit beach usage nor ask San Diego to clear people out of the haulout areas after obtaining a Coastal Permit. That may come later to those areas.

Seals and sea lions are an embarrassing success story for NMFS. Types of salmon are headed for extinction in Washington and Oregon. NMFS knows the only way to stop the carnage is kill the alpha animals that have learned to swim up a river 100 miles to gorge themselves In the spawning grounds. But legal challenges by the Humane Society have cost years of delay, and scarce legal funding. So NMFS has backed off, despite pleas from salmon fishers who will go broke.

Our seals and sea lions like it here among people. They like La Jolla, at the oldest marine fishing preserve in the state. For some reason. California needs to manage its fisheries on its own and since the courts established that the Coastal Act is not required to bow to the MMPA on State land, the madness can stop. Starting with making San Diego justify its stockpiling overpopulated predators on an urban trusted beach for the "enjoyment of children", or those who like to admire the ocean from the sidewalk.

Are seals over populated? To be verified in another letter.

John Leek 3090 Admiral Ave, San Diego, 92123

Date	URL	Location	Response	Comment on Facebook/Twitter	Response on Social Media/Website	Date Responded	Who Responded	Notes
2/29/2016	https://www.facebook.com/andrea.e.hahn/posts/10204341778545115	La Jolla,CA; South Casa Beach, Childrens Pool	Emailed: Reporting Party; Alerted: OLE, NMFS WCR, NMFS HQ		NOAA's stranding network works with many partners to rescue stranded, starving, and injured seals and sea lions. When our partners perform a rescue they follow very strict criteria to minimize harm to other seals or sea lions in the nursing area (referred to as a "rookery"). Sometimes disturbance to a rookery can cause premature births and abandonment of other pups. The two criteria we follow for rescues are: 1) Observe for a minimum of 24-48 hours to NOAA takes protection of seals and sea lions seriously. We are currently working on some innovative solutions to promote safe wildlife viewing. We appreciate the support we have received in documenting harmful human interactions with seals and sea lions at particular beaches and the attention has helped us mobilize teams across the U.S. to tackle this issue nationwide. We have recently placed staff from NOAA's Office of Law Enforcement at some high traffic beaches in CA to educate the public about the importance of giving seals and sea lions some space especially during birthing season. We will be launching a social media campaign shortly and could use your help with sharing these important messages on your timeline!			I suggest we post something up on our Facebook page about this issue and not directly respond to this post. I think it would open a flurry of responses.
2/29/2016	Seeing some trending on Twitter with the following message....@NOAA Why Is The General Public Being Allowed TO Harass #Seals On #CasaBeach #California NO Law Enforcement #SaveSeals	La Jolla,CA; South Casa Beach, Childrens Pool						Post to our FB page and link to twitter then use hashtags in post.
2/29/2016	https://www.facebook.com/andrea.e.hahn/posts/10204347819136126	La Jolla,CA; South Casa Beach, Childrens Pool	Emailed: Reporting Party; Alerted: OLE, NMFS WCR, NMFS HQ					I would recommend that we don't respond directly to these posts but maybe just post the above response to our Facebook page wtih hashtags.
3/6/2016	https://www.facebook.com/andrea.e.hahn/posts/10204378274297486	La Jolla,CA; South Casa Beach, Childrens Pool	Emailed: Reporting Party; Alerted: OLE, NMFS WCR, NMFS HQ					I would recommend that we don't respond directly to these posts but maybe just post the above response to our Facebook page wtih hashtags.
3/12/2016	https://www.facebook.com/andrea.e.hahn/posts/10204407563949709	La Jolla,CA; South Casa Beach, Childrens Pool	Emailed: Reporting Party; Alerted: OLE, NMFS WCR, NMFS HQ					I would recommend that we don't respond directly to these posts but maybe just post the above response to our Facebook page wtih hashtags.
3/16/2016	https://www.facebook.com/andrea.e.hahn/posts/10204438868172295	La Jolla,CA; South Casa Beach, Childrens Pool, La Jolla Cove	Emailed: Reporting Party; Alerted: OLE, NMFS WCR, NMFS HQ					I would recommend that we don't respond directly to these posts but maybe just post the above response to our Facebook page wtih hashtags.
3/18/2016	http://www.cw6sandiego.com/video/caught-tape-spring-break-fail-tourists-harass-birthing-seals-newborns/	La Jolla,CA; South Casa Beach, Childrens Pool	Emailed: Reporting Party; Alerted: OLE, NMFS WCR, NMFS HQ					I would recommend that we don't respond directly to these posts but maybe just post the above response to our Facebook page wtih hashtags.
3/20/2016	https://www.facebook.com/andrea.e.hahn/posts/10204461546219232	La Jolla,CA; South Casa Beach, Childrens Pool	Emailed: Reporting Party; Alerted: OLE, NMFS WCR, NMFS HQ					I would recommend that we don't respond directly to these posts but maybe just post the above response to our Facebook page wtih hashtags.
3/21/2016	https://www.facebook.com/andrea.e.hahn/posts/10204476923843663	La Jolla,CA; South Casa Beach, Childrens Pool	Emailed: Reporting Party; Alerted: OLE, NMFS WCR, NMFS HQ					I would recommend that we don't respond directly to these posts but maybe just post the above response to our Facebook page wtih hashtags.
3/24/2016	https://www.facebook.com/andrea.e.hahn/videos/10204496792900377/	La Jolla,CA; South Casa Beach, Childrens Pool, La Jolla Cove	Emailed: Reporting Party; Alerted: OLE, NMFS WCR, NMFS HQ					I would recommend that we don't respond directly to these posts but maybe just post the above response to our Facebook page wtih hashtags.
3/25/2016	https://www.facebook.com/andrea.e.hahn/videos/10204514454781913/	La Jolla,CA; South Casa Beach, Childrens Pool	Emailed: Reporting Party; Alerted: OLE, NMFS WCR, NMFS HQ					I would recommend that we don't respond directly to these posts but maybe just post the above response to our Facebook page wtih hashtags.
3/26/2016	https://www.facebook.com/andrea.e.hahn/posts/10204511828516258	La Jolla,CA; South Casa Beach, Childrens Pool	Emailed: Reporting Party; Alerted: OLE, NMFS WCR, NMFS HQ					I would recommend that we don't respond directly to these posts but maybe just post the above response to our Facebook page wtih hashtags.
3/26/2016	https://www.facebook.com/andrea.e.hahn/posts/10204525530218792	La Jolla,CA; South Casa Beach, Childrens Pool	Emailed: Reporting Party; Alerted: OLE, NMFS WCR, NMFS HQ					I would recommend that we don't respond directly to these posts but maybe just post the above response to our Facebook page wtih hashtags.
3/28/2016	https://www.facebook.com/andrea.e.hahn/videos/10204541577899974/	La Jolla,CA; South Casa Beach, Childrens Pool						I would recommend that we don't respond directly to these posts but maybe just post the above response to our Facebook page wtih hashtags.
3/30/2016	https://www.facebook.com/andrea.e.hahn/videos/10204560551094292/	La Jolla,CA; South Casa Beach, Childrens Pool						I would recommend that we don't respond directly to these posts but maybe just post the above response to our Facebook page wtih hashtags.
4/5/2016	https://www.facebook.com/andrea.e.hahn/posts/10204607392745304	La Jolla,CA; South Casa Beach, Childrens Pool						I would recommend that we don't respond directly to these posts but maybe just post the above response to our Facebook page wtih hashtags.

4/5/2016	https://sites.google.com/site/strandingrescue/?pli=1				I would recommend that we don't respond directly to these posts but maybe just post the above response to our Facebook page wtih hashtags.
4/22/2016	https://drive.google.com/open?id=0B-M8On1TDRDVVlFFMTNzNDkzWmc	Bodega Bay, CA	Alerted: OLE, NMFS WCR		
5/4/2016	https://www.facebook.com/NOAAFisheriesWestCoast/photos/a.218176738299054.47917.187396671377061/957240687725985/?type=3&theater	La Jolla, CA		If you at OLE are at all serious then contact the San Diego Council of Divers at info@sddivers.com and there can be >200 divers and swimmers assembled for you to educate all at once. We want to follow the law. We need you to tell us just what it is. Selfies with friendly pinnipeds is a huge tourist attraction in San Diego.. You need agents in 2 shifts, every day on 2 beaches because there is a constant stream of tourists and public education or threats only last about 10 minutes. Lifeguards and rangers will attest to that.	John Leeks

South Casa Signage

1 message

Justin Viezbicke - NOAA Federal <justin.viezbicke@noaa.gov> Wed, Mar 15, 2017 at 4:31 PM
To: "Parker, Herman" <HParker@sandiego.gov>
Cc: Penny Ruvelas - NOAA Federal <penny.ruvelas@noaa.gov>

Mr. Parker-

hello and good afternoon. Per our discussion on the phone today here is what we are thinking with the signage...

The signs (see attached) will be placed on wooden or plastic stakes and then attached to the support poles (the bars that go down to the ground) via zip ties on the stairwell. We can put one at top and one in the middle and one at bottom and then possibly some in the sand just via the stake. so think we would probably have 3-5 signs up daily in the area. Or we could tie to the bars at the top of the stairs via zip ties to the top two corners of the sign and they would hang between the horizontal bars. Ideally we would like to place these signs everyday in the morning and then take them down each night so that we don't have to worry about theft/ vandalism/ graffiti. We are still working on who would be able to put these up and take them down each day and where they would be stored etc. so if you have any suggestions for storage nearby like possibly the new lifeguard tower? Could lifeguards help to put up and take down...5 minutes max for set up/ take down? what about the Ranger could he at least put these up each morning when he starts and then take them down when he leaves?

In addition we will be having a NOAA Hollings Scholar student down there this Monday to look at set up for education table that will have seal pelts and skulls for people to touch before they go down to the beach. The student will then be down there on weekends starting in April which is a little late but better than nothing. So for now we are still working on getting folks to help set up and take down that we can trust..I've got a request into Sea World to see if they could put educators down there but waiting to hear back as well as a few other people that might be interested in helping. Ideally we will have an education table set up near the top of the steps and then the signs going down so people should be much more aware of how their efforts to procure selfies really affect these animals.

We are also waiting to hear back from CDFW as they were discussing today whether they could potentially be down there on weekends so hopefully will have a better picture tomorrow of how this will all work and I will get back to you.

I've got more planning to do tomorrow and once I get the signs in (supposed to be in today but haven't seen yet) I will get a measurement and let you know how big they are etc.

--
Justin Viezbicke
California Stranding Network Coordinator
National Marine Fisheries Service
(562) 980 3230 office
(562) 506 4315 cell
justin.viezbicke@noaa.gov

3.7.2017_no_selfies_poster_with_infographic.pdf
3408K

From: Parker, Herman
To: Penny Ruvelas - NOAA Federal
Subject: RE: Outreach Materials
Date: Wednesday, January 11, 2017 4:56:00 PM
Attachments: image001.jpg

Penny, this is excellent! Thanks so much for the information. I have forwarded the info to my staff we will be discussing in the next few days.

Thanks again,

Herman

Herman D. Parker, Director
City of San Diego
Park and Recreation Department
hparker@sandiego.gov
T 619.236.6643

"To effectively serve and support communities"
City of San Diego Strategic Plan

From: Penny Ruvelas - NOAA Federal [mailto:penny.ruvelas@noaa.gov]
Sent: Wednesday, January 11, 2017 4:37 PM
To: Parker, Herman <HParker@sandiego.gov>
Subject: Outreach Materials

Herman-

Great talking with you today. Thanks so much for updating me on the plan.

In return, I promised to share some links with you about our public education materials. Here are a few items found on our web pages for your consideration.

First, here is our main marine mammals resources page:
http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/marine_mammals.html

From here you can link to some of our "Share the Shore" resources:
http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/share_the_shore_resources.html

For example, we did a No Selfies postcard focused on Children's Pool that we printed and provided to some of the tourist businesses in the CP area:
http://www.westcoast.fisheries.noaa.gov/publications/protected_species/marine_mammals/pinnipeds/no_selfies_with_seals.pdf

We also have a brochure (but keep in mind this is for the whole west coast, not just southern CA!):
http://www.westcoast.fisheries.noaa.gov/publications/protected_species/marine_mammals/pinnipeds/6.22.2016_marine_mammal_safe_viewing_rackcard.pdf

Take a look around on these pages and let's discuss further if you like. Our Communications Team and I and my staff want to help the City design as effective a set of materials to educate the public as possible. Obviously warning signs and NO signs can be useful to let folks know about safety and legal issues, but we also want the public to continue to develop their love and understanding of these animals while respecting their safety and their own human safety too.

Best,
Penny

--
Penny Ruvelas
Long Beach Office Branch Chief - Protected Resources Division
NOAA Fisheries West Coast Region
U.S. Department of Commerce
Office:(562) 980-4197
Mobile: (562) 225-3453
penny.ruvelas@noaa.gov
www.westcoast.fisheries.noaa.gov

Seal and sea lion disturbance distances

Johnson A, Acevedo-Gutierrez A. 2007. Regulation compliance by vessels and disturbance of harbour seals (*Phoca vitulina*).*Canadian Journal of Zoology* **85**: 290–294.

- Harbor seal disturbance in WA- mean distance at which seals were disturbed averaged 91+/-36.3 m for kayaks and 190.5 +/-124.8m for stopped powerboats.
- Seals went into the water when stopped powerboats were 27m-371m away from haul out and when kayaks were 37m-138m away.

Suryan RM, Harvey JT. 1999. Variability in reactions of Pacific harbor seals, *Phoca vitulina richardsi*, to disturbance. Fish. Bull. (Wash., D.C.) **97**: 332-339 ISI.

- Distances at which powerboats caused harassment were variable, ranging from 28m to 260m.
- Seals detected (head raised and oriented toward the potential disturbance) a powerboat at a mean distance of 264 m, and harassments occurred when boats approached, on average, to within 144 m

Henry E, Hammill MO. 2001. Impact of small boats on the haulout activity of harbour seals (*Phoca vitulina*) in Metis Bay, Saint Lawrence Estuary, Quebec, Canada. Aquat. Mamm. **27**: 140-148 .

- Seals were observed to enter the water (flushing distance) when boats were at distances of >200 m. When disturbed by kayaks-canoes, seals cleared the site at a mean distance of 140 m (SE=30) in Season 2 and 100 m (SE=20) in Season 3 (P>0.05). When disturbed by motor boats during Season 3, they cleared the site at a mean distance of 100 m (SE=30) in Season 3

Mary Cowling, Roger Kirkwood, Laura Boren, Duncan Sutherland, Carol Scarpaci, Marine Mammal Science, 2014. The effects of vessel approaches on the New Zealand fur seal (*Arctocephalus forsteri*) in the Bay of Plenty, New Zealand.

- Fur seals at this site became disturbed when vessels approached to the 10–20 m distance category, and a precautionary minimum approach distance of 50 m has been suggested

Sandra Magdalena Granquist, Hrefna Sigurjonsdottir, Applied Animal Behaviour Science, 2014. The effect of land based seal watching tourism on the haul-out behaviour of harbour seals (*Phoca vitulina*) in Iceland.

- For this study, an ‘approaching zone’ was defined as the last 50 m of the path leading to the seal watching site We have shown that during the high season for seal watching, the seals hauled out further away from land and were more vigilant than during other periods of the summer (in 2009).Also, we found thatthe proportion of vigilant seals in the colony increased when the number of tourists in the area increased and when the

tourists behaved in a more active way (in 2010). Although these are signs of negative impacts it must be stressed thatthe seals did notleave the site or show flush responses in the presence of tourists.

Anne Hoover-Miller, Amanda Bishop, Jill Prewitt, Suzanne Conlon, Caroline Jezierski, Peter Armato, The Journal of Wildlife Management, 2013. Efficacy of voluntary mitigation in reducing harbor seal disturbance. 77 (10.1002/jwmg.v77.4), 689 – 700

- Overall, disturbance was associated with 5.1% of vessel sightings, 28% of vessel interactions (vessel observed within approx. 300 m of seals), 11.5% of kayak sightings, and 61% of kayak interactions.

Nynke Osinga, Sandra B. Nussbaum, Paul M. Brakefield, Helias A. Udo de Haes, Mammalian Biology - Zeitschrift für Säugetierkunde, 2012. Response of common seals (Phoca vitulina) to human disturbances in the Dollard estuary of the Wadden Sea. 77 (), 281 – 287

- Land activities only affected seals resting on these sand ridges which are at a distance of 50–200 m of the dyke.

S.M. Andersen, J. Teilmann, R. Dietz, N.M. Schmidt, L.A. Miller, Aquatic Conservation: Marine and Freshwater Ecosystems, 2012. Behavioural responses of harbour seals to human-induced disturbances. 22 (), 113 - 121

- harbour seals were alerted by boats at significantly greater distances compared with pedestrians (560–850 m and 200–425 m, respectively). Similar differences in the flight initiation distances were observed, 510–830 m for boats and 165–260 m for pedestrians

Holcomb, K., Young, J. K. and Gerber, L. R. (2009), The influence of human disturbance on California sea lions during the breeding season. Animal Conservation, 12: 592–598. doi: 10.1111/j.1469-1795.2009.00290.x

- Our results showed few behavioral responses of sea lions to human disturbance.

London, J. M., J. M. Ver Hoef, S. J. Jeffries, M. M. Lance and P. L. Boveng. 2012. Haul-out behavior of harbor seals (*Phoca vitulina*) in Hood Canal, *Washington. PLOS ONE* **7**:e38180.

- The haul-out probability surface shows during late summer, seals are less likely to haul out during the mid-day period. As human activity declines over September, seals are more likely to haul out during the mid-day hours. By October and November, when human presence is reduced, seals are exhibiting a more typical diurnal pattern with the highest probabilities occurring in the mid-day to afternoon hours.

Shawna A. Karpovich, John P. Skinner, Jeff E. Mondragon, Gail M. Blundell, Journal of Experimental Marine Biology and Ecology, 2015. Combined physiological and behavioral observations to assess the influence of vessel encounters on harbor seals in glacial fjords of southeast Alaska. 473, 110 – 120. http://dx.doi.org/10.1016/j.jembe.2015.07.016

- Heart rate increased by 5 bpm when seals were directly approached by vessels.
- Vessel approaches generally caused greater suppression of in-water heart rates.
- Heart rate during the haulout following a vessel approach was elevated by 6 bpm.
- Incidental vessel traffic caused a 4 bpm/vessel increase in seal heart rate.
- Elevated heart rates suggest increased energetic costs associated with vessels

J.K. Jansen, P.L. Boveng, S.P. Dahle, J.L. Bengtson. Reaction of harbor seals to cruise ships
J. Wildl. Manag., 74 (6) (2010), pp. 1186–1194

- risk of disturbing harbor seals increased when ships approached within 500 m; seals approached as close as 100 m were 25 times more likely to enter the water than seals 500 m from a ship.

From John Leek, Jleek001@san.rr.com April 28, 2019

To California Coastal Commission staff public input on Children's Pool public access restrictions renewal.

Addr Childrenspool@coastal.ca.gov.

Federal website was used for fake science 5 years ago.

Evidence shown to the Commission backed a 5 year emergency beach closure permit. An ordinary permit to allow closing trusted public tideland to the public should have failed as a violation of the State Lands Act alone.

Children's Pool was presented as the essential isolated surviving seal colony in Southern California supposedly as verified by a federal NMFS website publication; so it had to be true.

The closing statement of Commission deliberations was:
"We are protecting this species, even though they are maybe abundant up and down the state, but they are not so terribly abundant in Southern California because there aren't a lot of haulout sites there. We've heard there are 175 miles between this one and the next. Now maybe they will find other beaches to haul out on, and maybe there will be something that has to be dealt with in the future but that's not the case now, and there isn't any other wall that's created this kind of …… that somebody called it a "dead zone". It's certainly full of life right now."

The scientific evidence was taken from a website called "Arcgis Pinniped rookeries and haulout sites within California". It was indeed created and "owned" by NOAA Fisheries SWR. That website was only to show places where NMFS had elected to count pinnipeds. Had anyone contacted NMFS they would have verified the map ONLY showed places NMFS had access and funding to examine, not where every pinniped was actually resident. I asked.

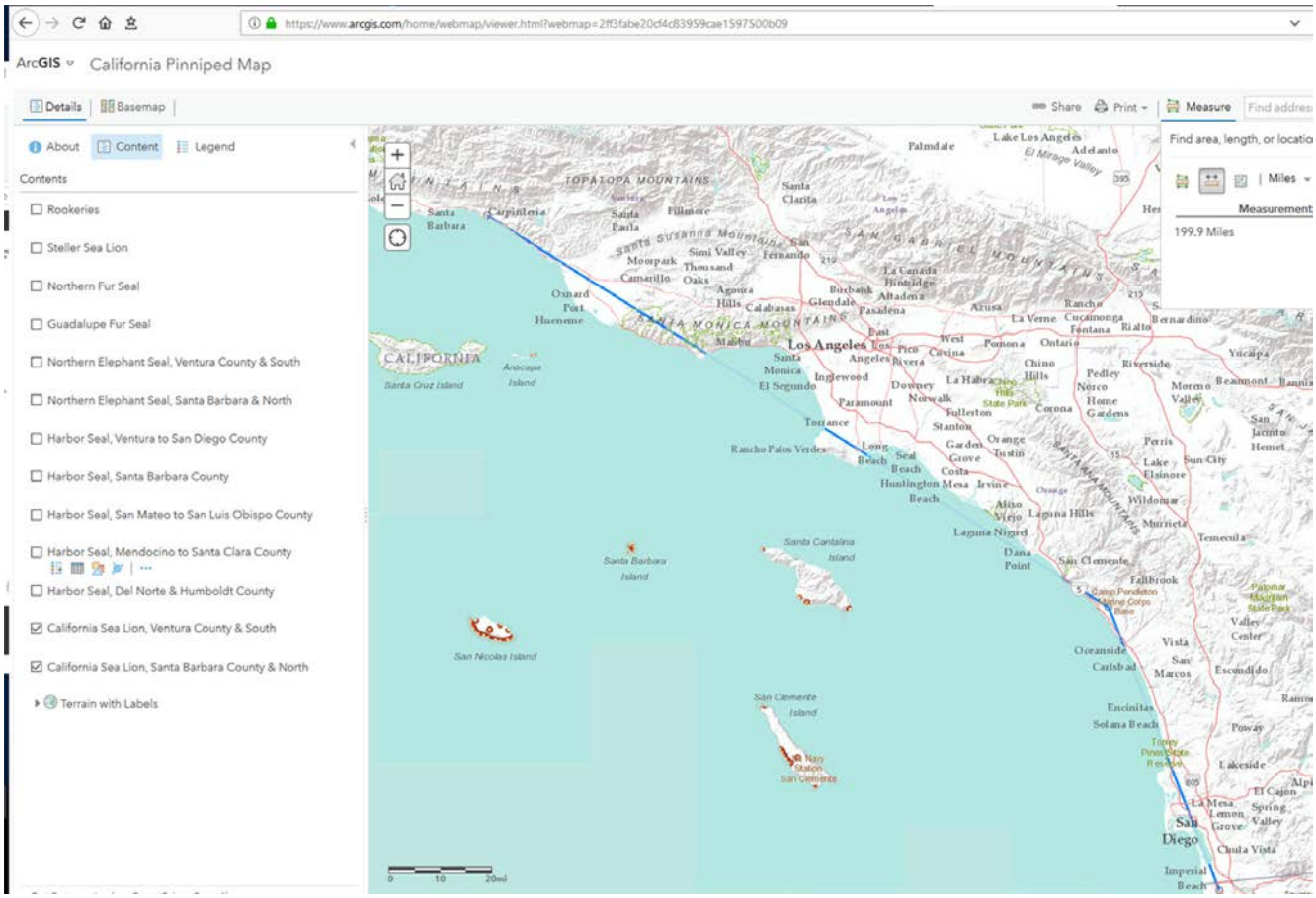
Freedom of Information Act request NOAA-2014-00171 showed the Arcgis project was not created by NMFS scientists. A contractor compiled the list of observation and sites used in trend estimations for NMFS Stock Assessment Reports up to 2007, Not what pinnipeds existed, but those counted in places researchers could access in overflights, such as the Channel Islands and federal marine reserves.

Zooming in on Southern California, one would be completely mislead, as researchers had avoided surveying urban areas. Anyone can still go to https://www.arcgis.com/home/webmap/viewer.html?webmap=2ff3fabe20cf4c83959cae1597500b09 and query "**California Sea Lions**" to show no sea lion haulouts seem to exist on the California mainland from Tijuana to Carpinteria State Beach, a distance of 197 air miles. If you want to believe that.

Thus is debunked the pivotal evidence presented to the Commission by a special interest group lobbying San Diego prior to the hearings. NMFS did not endorse presenting that nonsense. They were conspicuously absent. Their general silence also helped the Commission win the court appeal allowing the CCC to issue permits independent of federal claims of control of marine animal management laws on California beaches.

A simple resolution: The Commission can grant a renewal of this pseudo-emergency permit, with investigation after the fact into whether it should have – not just that San Diego "consider" alternatives but the Commission contract professionals to determine what really could have been done. And give San Diego the bill. If independent research concludes the permit did not need to be given, then end it there. San Diego has alternatives, like letting every life form have access to the shoreline that wants it, and let NMFS impose prosecutions where it feels it needed.

Many websites where NMFS presents data in Arcgis format are found today on the internet. One is https://www.arcgis.com/home/item.html?id=4dc678ae011241cbb382e74672d31278 "Seal and Sea Lion Haulouts", (for Washington state) The disclaimer reads "This dataset does not represent a complete inventory of all haulout sites in Washington, but those that were encountered during routine surveys from 1998 to 2013". No such disclaimer was included in the "California Pinniped Map. Caveat Emptor.



"Arcgis Pinniped rookeries and haulout sites within California"

Details selection set to California Sea lions.

Thank you for reading: John Leek 3090 Admiral Ave, San Diego, 92123

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
1201 NE Lloyd Boulevard, Suite 1100
PORTLAND, OREGON 97232-1274

February 12, 2015

John R. Leek
San Diego Council of Divers
3090 Admiral Avenue
San Diego, CA 92123-3104

Re: FOIA Request # DOC-NOAA-2014-001711

Dear Mr. Leek:

This letter is in response to your Freedom of Information Act (FOIA) request entered into FOIAonline on 09/23/2014, in which you requested records concerning the origin and maintenance of a California Pinniped Map found at: http://www.arcgis.com/home/webmap/viewer.html?webmap=2ff3fabe20cf4c83959cae1597500b0.
Please note the referenced map was created in 2007 and has not been updated since then. The map was originally hosted on a NMFS site, but was moved to the current location due to NMFS server/site updates on or about 2011.

We provided you with an interim response on January 20, 2015, and released an electronic copy of 25 documents consisting of 190 pages.

We have identified an additional 178 documents (electronic files) of responsive records. You are granted full access to these records, and an electronic copy is available.

During our search for records responsive to your request, we also identified three documents that originated with other Federal agencies. We referred two documents to Vandenberg Air Force Base (foia@us.af.mil), and one document to the National Park Service (Nancy_Hori@nps.gov) for a release determination/direct response to you.

This completes our response to your FOIA request. No processing fees are assessed. If you have any questions, please contact Ana Liza Malabanan, FOIA Coordinator, at telephone number (562) 980-4008 or via email at ana.liza.malabanan@noaa.gov or nmfs.wcr.foia@noaa.gov.

Sincerely,

Barry A. Thom
Deputy Regional Administrator

Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com April 29, 2019

To California Coastal Commission staff public input on Children's Pool public closure renewals.
Ref: Are harbor seals really only found at Children's Pool? Is that what the government said?

Five years ago misinterpretation of a NMFS website caused Commissioners to believe NMFS had verified Children's Pool was a last singular refuge for the only harbor seals in Southern California. The public had to be kept away from that "valuable resource" which NMFS itself was failing to protect. But NMFS had in 2004 told San Diego "*…that harbor seals are a healthy species which are growing in population and not in any way endangered or threatened as a species."* And they had since recommended repeatedly that San Diego move them out. Not harm them, but repatriate them to the wild. So are there too few, or too many seals**??**

NMFS is supposed to know, but has hidden the answer. You must read further to prove it to yourself. I have attached evidence National Marine Fisheries was forced to accept before publishing its most recent report to Congress on the harbor seal population in 2014, for which they had no answer. I apologize that methods and new terms to learn are so many. It is not that hard, and essential to the permit analysis.

Explanation :
The Marine Mammal Protection Act (MMPA) was updated in 1994, requiring NMFS to census every marine mammal stock to determine which were "depleted". Over 200 species but NMFS promised to do it. Humans could "take" a few depleted animals in a year. The "Potential Biological Removal" (PBR)[1] must not be exceeded. Any "take" (remove, catch, injure, ensnare, harass) above the PBR of any species makes it a "Strategic stock", as if depleted, not subject to lethal removal to preserve endangered salmon. (Sec 3(19))

The point of the MMPA was then to keep all species above Depletion[2], or Optimum Sustainable Population (OSP). [3] The burden of proof lay with NMFS.

Except for the fishing PBR, a Moratorium[4] on Take[5] was declared. Moratorium usually means temporary cessation, but nobody knew how long it would last. OSP[6] was a new term, and the goal of the MMPA was to attain it across the board. It is not a number of animals but a point of favorable growth rate. Sec 117 was added to the MMPA, with funding to census all non-endangered marine mammals. Reports to Congress were to be made annually for depleted or strategic populations or every 3 years otherwise.

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[1] Sec 3(20) The term "potential biological removal level" means the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its **optimum sustainable population**.
[2] Sec 2(1) certain species and population stocks of marine mammals are, or may be, in danger of extinction or **depletion** as a result of man's activities
[3] Sec 2(2) ; such species and population stocks should not be permitted to diminish beyond the point at which they cease to be a significant functioning element in the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish below their **optimum sustainable population**.
Sec 3(1) The term "depletion" or "**depleted**" means any case in which-(A) the Secretary…….. determines that a species or population stock is below its **optimum sustainable population**.
[4] Sec 3(8) The term "moratorium" means a complete cessation of the **taking** of marine mammals…..except as provided in this chapter.
[5] Sec 3(13) The term "**take**" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.
[6] Sec 3(9) The term "**optimum sustainable population**" means, with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

The above clarified the MMPA purpose, being to have the NMFS preserve both viable marine mammal populations and a viable fishing industry – under the Secretary of Commerce. It was not simply a federal Animal Rights act as some wanted to believe.

The task was defined: to show every marine mammal stock enjoys a reproduction rate above its Optimum Sustainable Population. Twenty five years later, NMFS has announced success for just one (1) species, sort of, the California sea lion. Over 200 more to go.

An examination of NMFS data will show the OSP goal had been achieved for California harbor seals but the facts were hidden: in plain sight. If you keep reading.
Now that the CCC has included at-will enforcement of the MMPA in its exclusive Coastal Zone jurisdiction, knowing the MMPA purpose and scope is critical.

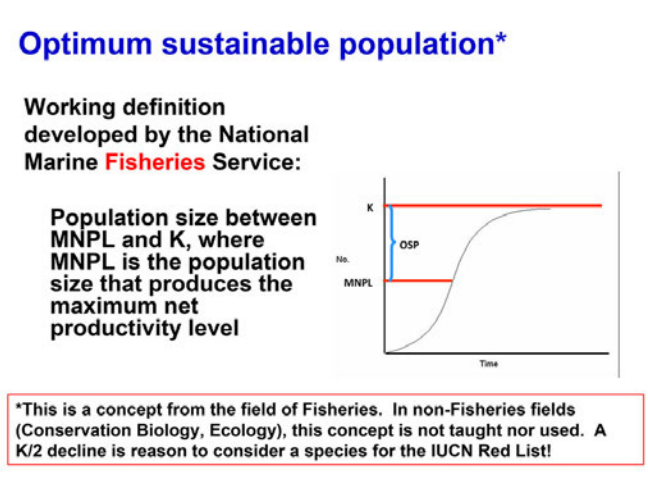
The Coastal Commission will soon renew its authority to enforce beach closures to prevent harbor seal depletion, assuming the job of NMFS above the mean high tide line. Are harbor seals scarce or depleted? Anywhere in California? NMFS says "no", and they are required to know. Congress had added Sec 117 to fund the Stock Assessment Report system (SARS). Once a species' finalized SARS shows their OSP has been reached, it is not Depleted, therefor officially a "species of least concern" to misuse a phrase from another agency. Though the Commission was led to believe our seals are locally rare, and subject to special protection, NMFS knew better but needed somebody else to bully the public for them. San Diego.

The California harbor seal (CHS) SARS reports deny OSP status. Six were completed, 3 are posted on the web. https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-species-stock They all said California harbor seals are not depleted nor strategic, which as we learned above, has to mean having surpassed OSP, but NMFS does not admit it. Another SARS was due in 2017. All the SARS reports have stated "A review of harbor seal dynamics through 1991 concluded that their status relative to OSP could not be determined with certainty". NMFS science has failed for 25 years, or at least denies succeeding.

The Commission can analyze the federal SARS data itself and find California harbor seals were out of danger of depletion (above OSP) by 1985. They can further determine that California harbor seals actually had exceeded the carrying capacity of the Channel Islands by year 2000. Just around the time CHS started colonizing La Jolla. One needs access to the raw data which I obtained from Mark Lowry who actually did the counting for NMFS until his recent retirement. One needs to apply the same principles of population analysis NMFS claims to, after putting back data that was deleted without explanation.

Methods are found in NMFS Lecture file – "Population modeling of marine mammal populations". https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwiHxJXr_bhAhXUv54KHd7uAmEQFjAAegQIARAC&url=https%3A%2F%2Ffaculty.washington.edu%2Fglennvb%2Ffish475%2FLecture%2520file%252014%2520May%25202010.pdf&usg=AOvVaw3qj1z74UfbohjnY8y8LsQ9

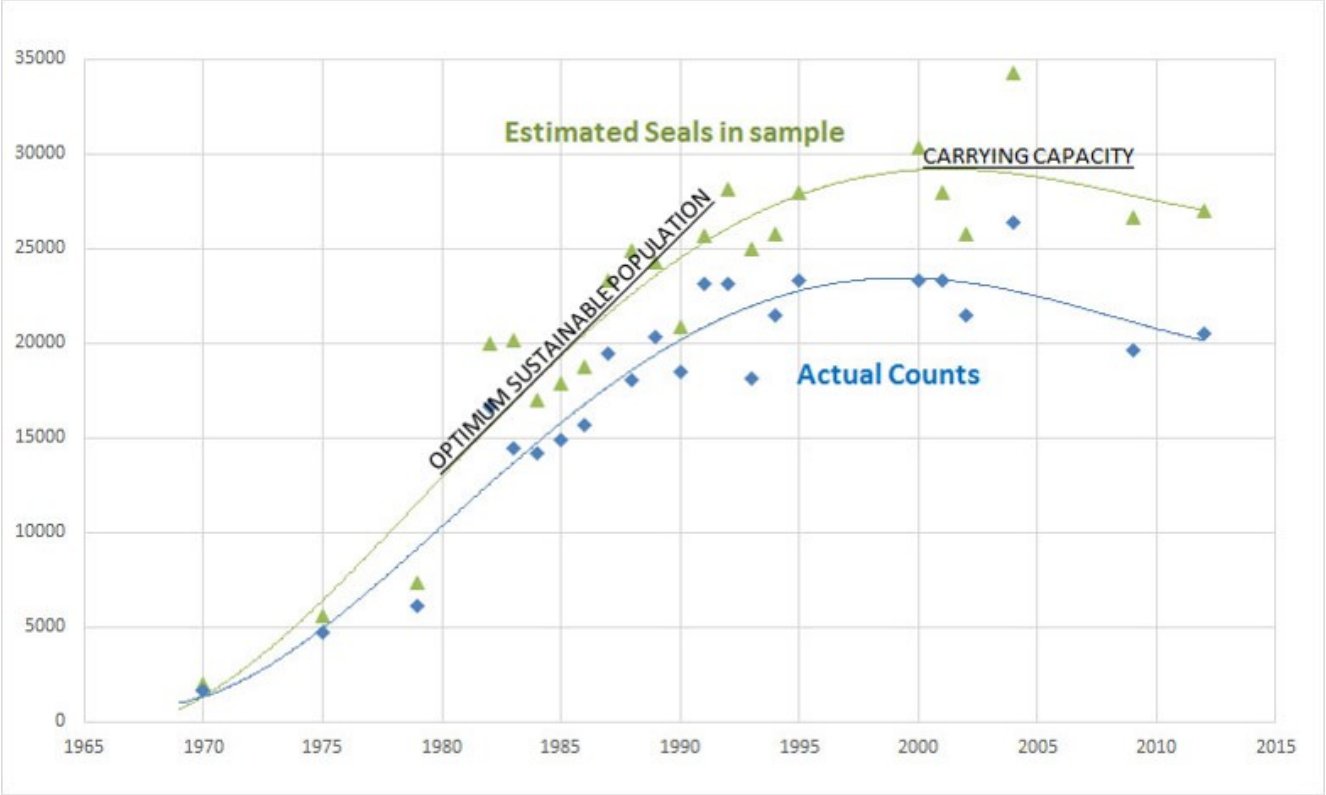
There are a couple more terms to learn. Maximum Net Productivity Level (MNPL) and Carrying Capacity (K).



The application to CHS population does not require the differential calculus solutions they discuss. K is when a population runs out of food and no more increase is possible. Birth rate Is not driven to zero, it is matched by death rate.
MNPL is where the upward trend of exponential growth stops going ever faster. For the first time, acceleration starts to diminish.
To find the points you need to fit the data to a curve then just set a straight edge on the flat spot (K) and the point of change of slope (MNPL).

Here is Lowrey's last authentic data from 2012, for SARS 2014, fitted to 4th order quadratic equations.

The line tangents show, OSP reached in 1985, and Carrying Capacity reached about year 2000. Done deal.



If you slog through "Population modeling of marine mammal populations" referenced above you will see just such methods used on harbor seals in Washington State, showing the same dates for OSP and K were found.



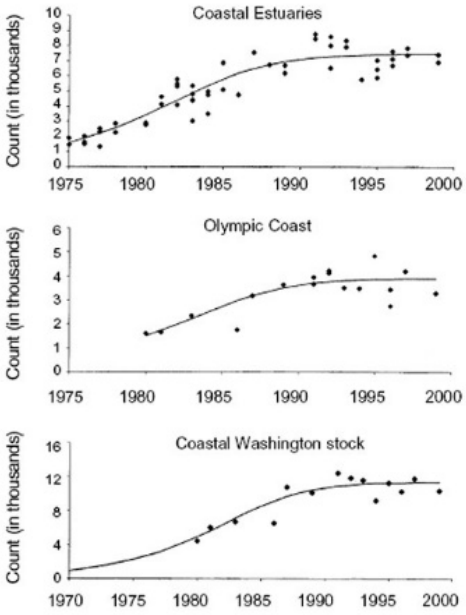


Fig. 3. Generalized logistic growth curves of harbor seals in Washington, USA, portion of the coastal stock for coastal estuaries and outer Olympic Peninsula coast regions and their sum.

Thank you for reading:

John Leek

3090 Admiral Ave,
San Diego, 92123

John Leek
3090 Admiral Ave
San Diego, CA 92123

Chief, Marine Mammal and Sea Turtle Conservation Division,
Office of Protected Resources,
National Marine Fisheries Service,
1315 East-West Highway,
Silver Spring, MD 20910-3226,

Attn: Stock Assessments. 80 FR 4881
Re: NOAA-NMFS-2014-0117 California Harbor Seals

I have reviewed the draft 2014 SARS along with previous 2000, 2001, 2003, 2005, 2011 SARS on California harbor seals and corresponded with Mark Lowry who has been generous with his time and data. I have been impressed with his methods and the extensive data collection set he has accumulated over 20 years of conscientious study.

I have also seen that what are perfectly fine statistical data trends were published in such a manner as to allow the public to completely misunderstand what is known and what is not known. This has caused considerable havoc and damage to local and federal efforts to sensibly deal with California harbor seals. The situation is so dire I have to request the section on California harbor seals be deleted from SARS 2014 to be redone in a SARS 2015.

There have been unfortunate deletions of data and analyses that need to be re-instated and expanded on. I will include graphs updated with better data analyses to illustrate what I mean. Harbor seal census was pioneered by Doyle Hanan from 1983 to 1996 and I will draw from his resulting thesis to show where data sampling from the entire state was compiled, except the mainland of the California bight. Subsequent data gathering was carefully done over the same original site paths and ground observation points from 1996 to the present for continuity with sample baseline data. I feel insufficient background is given for the reader to understand how Hanan chose his representative sample area which is repeated to this day, so it is often mistakenly be believed he and those following ever claimed to have examined all of California and determined the total number in the population.

There is nothing invalid about predictive analysis based on a sample that is stable and provides a long standing data baseline. Clearly adding data outside the baseline sample should be avoided. The problem is in presentation, in not preparing the reader to understand the limits of what can be inferred, especially by those seeking to bolster theories to fit personal agendas. The SARS do not contain reference to the main reason the reports are terse and using extrapolations instead of annual extensive

surveys – funding does not support it for abundant species. Attention is better focused on species still below OSP.

This was made very clear in a letter from the Marine Mammal Commission to the Office of Protected Resources a year ago, similar to previous communications. "

"*Unfortunately, the available stock assessment information often is not sufficient to meet the requirements of the Marine Mammal Protection Act (MMPA). Limits in overall NMFS funding, as well as lack of prioritization on marine mammal stock assessments, have impeded the agency's ability to carry out its mandate under MMPA. Many stock assessments lack even the most basic information such as up-to-date minimum abundance estimates, which are necessary to calculate the stocks' potential biological removal (PBR) levels. Estimates of serious injury and mortality rates are lacking for even more stocks. In the absence of such information, managers cannot confidently determine the status of these stocks, the significance of human effects on them, and the effectiveness of management measures. In the end, the lack of information means that management measures will either fall short of providing needed protection for the animals or exceed what is needed to achieve the conservation objectives, thereby imposing unnecessarily harsh and burdensome constraints on human activities*." (underline added)

And the last example of undesirable consequences is exactly what is happening in my town.

In the case of SARS 2014, proposed deletions of past harbor seal data and conclusions could subject authors and researchers to speculation of malfeasance or covering up inconvenient truths, where a fair reading finds no proof of anything like that. This can all be cleared up by restoring historical data, expanding instead of deleting graphs and past conclusions and dealing with them openly in a manner understandable to anyone. A year delay while current data concerning harbor seals is incorporated and misunderstandings cleared up would be a small price to pay.

Page by page:

Page 2,
A correction factor is derived without needed clarification and it is used in a manner unlike historic applications. The original concept of Correction Factor was Hanan's determination of the number of likely seals that would be in the water when a colony is photographed from the air. This was NOT the ratio of counts in the sample to seals in the environment at large. With an 82% confidence factor, a site survey could be assumed to have determined the number of seals at the site, hence his multiplier of 1.2.

The reliance on older data is mentioned in the last line where we are promised new estimates from 2012 data. But that will be 3 years away.

Figure 2 has no curve fit to check for trend changes but even a crude eyeball tracing (blue) of values shows a bend in the data around 2000. One could attribute this to depressed population after a minor el Niño event around 2003, but the major el Niño in

’98 left no such lasting downturn. Unfortunately, in SARS 2014, there is intent to delete Figure 3 which in earlier SARS’ pointed to a simple explanation.

If we look at Figure 3 in SARS 2007, there was a logistical analysis of population growth. Year 2000 was clearly when the population hit carrying capacity and 1997 the year harbor seals came out of OSP. “A generalized logistic growth model of pup counts obtained during 1975-2005 (excluding El Niño years) indicated that the population reached its Maximum Net Productivity Level (MNPL) of 39,800 pups in 1997 and has reached carrying capacity (K) at 46,800 pups per year”

Seeking confirmation, one can find a more refined Figure 3 in SARS 2011. It contained no explanation of inflections, but it is still clear the data ended its historic Optimum Sustainable Population growth rate around 1997 and was into decline by 2005. None the less, in SARS 2011, mention of the possibility of carrying capacity being approached was not found, and the reader is advised “The optimum sustainable population (OSP) status of this population has not been formally determined.”

The proposed deletion of figure 3 in SARS 2014 can cause undue suspicions and criticism and should not only be restored in SARS 2014 but new data added into it to allow a complete picture.

There was nothing wrong with the work done in the Figure 3 described, so it should be completed and analyzed, not discarded. The fact that gill net mortality has largely disappeared should have resulted in a productivity uptick by 2000 and that needs to be discussed.

Page 5. It would be instructive to have some kind of estimate of fishery mortality besides an absolute minimum. 331 animals/year is so insignificant with a birth rate of >60,000/year one could dismiss fishery mortality altogether, leaving us with the impression harbor seals only die of old age, starvation or getting shot in salmon runs. (That 331 minimum is mischaracterized as an Average on page 6) Good values for disease mortality would be very hard to ascertain, though a good start would be analyzing rescue records, which is a rich trove of information that seems to be untapped.

Page 6. Praise for the addition of discussion of Domoic Acid Poisoning. Since we are in a prolonged warm water event, this is indeed a concern. The statement on anthropogenic sounds is misleading in alluding to harmful effects because the study cited was about pingers to deter harbor seals from nets and so were designed to be discomforting and even harmful. The statement could be seized on by groups wanting to ban naval military exercises. The note that normal anthropogenic sound exposure has not slowed sea lion population growth is not quite an adequate disclaimer.

The insignificance of human induced mortality is not clear in the last line where 389 animals is a minimal estimate only, while at the top of page 6 the statement “There are currently no estimates of the total ……..” is being deleted.

Unintended interpretations

The Marine Mammal Protection Act does not require an absolute census, but is concerned with trends, PBR, significance of incidental fishery. (2005 SARS Guideline) which can be served by a large stable sample. A total count would be impossible anyway. Needing a stable sample for good baseline comparative data means a fairly isolated population. Well and good. It would seem bright people would know data sets only show where data was taken, not that lack of data demonstrates absence of animals.

Yet we observe general acceptance that NO harbor seals ever breed or pup except in certain Channel Islands and unweaned pups found on the mainland had to have swum or drifted around a hundred miles after abandoning their mothers. There could be any number of harbor seals resident on the mainland avoiding people (and census).

Record Number Of Stranded Sea Lion Pups Strains California Resources 3/20/15
"When and if they do make it to the mainland, they're showing up in very poor condition," Viezbicke says.

Starving Sea Lion Pups Overwhelm Southern California Rescue Organizations 3/29/13
“Melin said she doesn't know how the pups are making it to the mainland, but they must be using currents and swimming.”

Hundreds of starving sea lion pups stranding on California beaches 3/16/15
“The pups, scientists believe, are weaning themselves early out of desperation and setting out on their own despite being underweight and ill-prepared to hunt”

Mysterious Sea Lion Die-Off Strikes Again on California Coast 2/13/15
“The best guess now is that shifts in fish populations—primarily fatty sardines—are causing nursing sea lion mothers to swim farther in search of fish. Those extended forays keep sea lion moms away from their pups. For so long, perhaps, that the tiny animals wait on their beaches and starve until they eventually strike out on their own, long before they're ready to tackle the Pacific Ocean”.

Starving Sea Lion Pups in California NBC 2/19/15
“and scientists suspect the emaciated pups are prematurely leaving Southern California sea lion rookeries to seek food on their own after their mothers failed to return swiftly from hunting trips to nurse.”

But there are some doubts.

Mysterious Sea Lion Die-Off Strikes Again on California Coast 2/13/15

"Some researchers question whether the sea lion population has grown so large that the offshore environment simply can't sustain their numbers." (Carrying capacity)

Why Hundreds of Starving Sea Lion Pups Are Washing Up in California 2/18/15

"NOAA's Melin says that another factor at work in the current crisis may be that the species is approaching its resource limit in the environment "

Starving Harbor seals Are Piling Up on California Beaches 2/6/15

"Justin Viezbicke of the National Oceanic and Atmospheric Administration tells the *Chronicle* that it could have to do with the sea lion population reaching capacity at around 300,000."

Why Were Harbor seals Starving? 8/19/13

"Harbor seals aren't picky eaters, says Mark Lowry, a Southwest Fisheries Science Center marine biologist. And that makes it unlikely that changes in any one food source would affect their livelihood. Decades ago, he says, they ate mostly anchovies; now, it's mostly market squid. "When there's not as much of one, they switch to something else.""

Problems with publishing this SARS 2014 on harbor seals are far reaching

Saving harbor seals is now big business. Donations are pouring in to centers whose grants have run out. Except Sea World which operates out of pocket and cannot stop because it needs the PR.

If it turns out strange warm currents are not the problem but simple math is, then NOAA looks foolish and the MMPA has actually imbalanced nature by favoring a predator, and then the effort has actually harmed the ocean. Discarding the early signs of overpopulation from earlier SARS will do further harm. If anyone is going to discover what is really happening, it should be NOAA, not some layperson at home. If there are funding issues, then so be it. Congress needs to know.

If emaciated sea lion pups really did swim across the Channel then fattening them and releasing them on urban mainland beaches is wrong. They will have spent weeks in close quarters and being handled by people. Instinctive fear of humans will be slight if even present. If there really was a reason they could not breed and prosper on the mainland then they are just being recycled into danger. Previously Sea World released rehab harbor seals far south, close to the Mexican border. Now there is no time, so they hit the beaches. This needs to be re-evaluated along with SARS 2014.

Here in San Diego our favorite beach is being occupied by fearless harbor seals, some still with rescue tags. Tourists sit next to them to make cell phone selfies and the lifeguards are in a dither. A lawsuit is pending to force the City to remove or clean up after a colony recently established in the high rent district. Is it not obvious harbor seals are in La Jolla because food is abundant in the Marine Protected Area? What good is an MPA if harbor seals are going to clean it out? Who did the wrong thing? SARS 2014 did not advocate these things, but it may have inadvertently discarded the wrong data and failed to caution the reader.

This 2014 SARS is not ready to be published. The question of carrying capacity urgently needs to be re-examined this year, with current data, not 3 years hence. If over-population is the problem, then harbor seals have cleaned the pantry for other species too. Then the anchovies will not come back with cooler water because harbor seals will eat them all. (Correlation between harbor seals and struggling harbor seal populations will be covered in SARS comments for that animal)

Creating a culture of acclimated harbor seals and releasing them in urban areas to become feral curiosities is not a good idea.

Mother harbor seals are being blamed for being tardy and pups too impatient, but what if this is normal for overpopulation? Maybe mother harbor seals cast off pups in hard times – which makes prefect evolutionary sense: Throw off ballast to save the ship, no sense in breeding adults dying too. Not so? You don't boil your seed corn.

ArcGIS, Science in social media

SARS 2014 and predecessors are not to be singled out. Things can happen more easily than one would expect, showing scientists not only have to be conscious of what they say but what they do not.

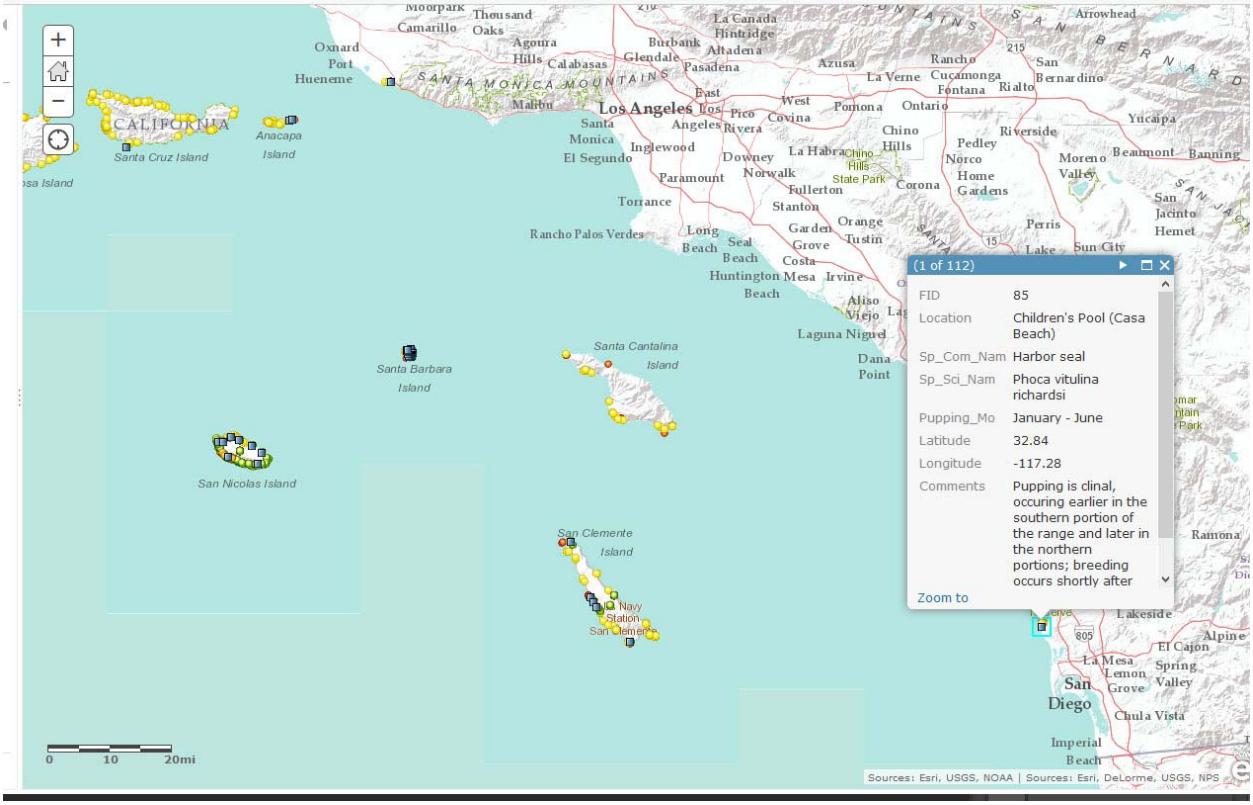
Well-meaning NOAA staff made a remarkable effort to bring order to marine mammal data collection in 2007. They gathered data from diverse scientific sources that had not been talking to each other and compiled an easy to use reference website, http://www.arcgis.com/home/webmap/viewer.html?webmap=2ff3fabe20cf4c83959cae1597500b09 This website was used to convince the Coastal Commission that La Jolla contained the only harbor seal colony on the Southern California mainland south of Ventura. That baseless claim brought about the closure of a public beach, counter to written admonitions by NMFS West Office of Protected Resources against it. On that website one need only zoom in on So. California to see there is no record of seals existing south of Pt Mugu and harbor seals are first found 32 miles further north at Carpinteria though they have no pups there. How could this be?

FOIA 2014-001711 revealed indeed the path to Hell is paved with good intentions. It took 3 months of hard work on the part of NMFS Long Beach staff to recreate the entire project origins. The site was built by a contractor who left after completion in 2007. The site was moved in 2011 leaving the impression it was completed in 2011. Unless funding is one day found the website will never be updated. As you might suppose, the dearth of identified mainland pinniped habitats was the result of scientists correctly favoring "unspoiled" and stable study sites for study. Offshore.

Animal rights activists used the illusion created to convince the California Coastal Commission the only possible way to prevent extinction in the wild of harbor seals in Southern California was to treat harbor seals that had become a tourist attraction as a natural wonder in need of special protection beyond what was afforded by the MMPA. Next may be closed mainland reserves for "endangered California harbor seals".

I would not blame anyone for doubting my words, so I also include a link to the actual hearing, starting with the President of the San Diego City Council beseeching the Coastal Commission to not act in haste but seek good scientific data.
https://www.youtube.com/watch?v=dKZId_BRfGk

The proof seeming to show the office of Protected Resources was wrong to oppose the closure is shown here. The link to ArcGIS above allows you to try it yourself.



In closing, I cannot stress enough that I never found the evil plot to dis-inform the public I anticipated. The public was more than ready to create crises out of what it could, if not restrained. Which gives me hope the same conscientious people who have censused marine mammals for decades will be given time and means to put the needed effort into rebuilding SARS 2014.

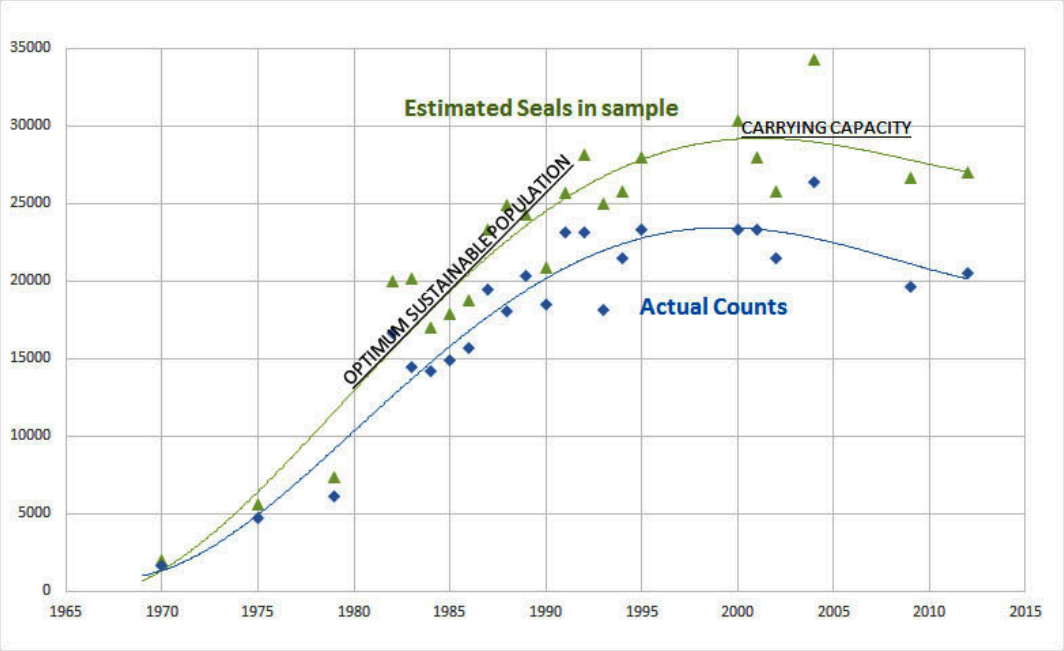
Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com May Day

To California Coastal Commission staff public input on Children's Pool public closure renewals.
Ref: Harbor seal abundance without the math.

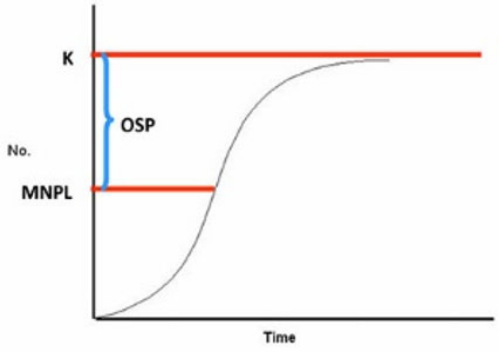
Earlier, I only said that James Lecky of NMFS had in 2004 told San Diego "…*that harbor seals are a healthy species which are growing in population and not in any way endangered or threatened as a species*." I should add, he also said*," In fact, as the population of harbor seals expands "[t]hey are causing problems ... up. and down the coast in terms of invading harbors, causing property damage and limiting access to beaches that are important for other " public uses*."
Before that in 1999 NMFS advised the City that it did not favor public beaches being closed to the general public due to harbor seals expanding their range and colonizing mainland beaches. Further, NMFS did not agree with a shared-use of Children's Pool by humans and seals. [1]

The above is to clarify NMFS never believed the seals were in danger from us, or in danger of being frightened away. I enjoy them, and am known to swim with them and play with them like big friendly puppies.



We debunked the notion harbor seals are rare anywhere in California, with NMFS unpublished data and a bit of fancy math. It can be done without fancy math by anybody. First look at the data graph from NMFS SARS 2005 on the next page. Their figure 2., keeping in mind how OSP is to be found shown for marine mammals.

Population size between MNPL and K, where MNPL is the population size that produces the maximum net productivity level



[1] All these quote from Superior Court case Vallerie O'Sullivan vs City of San Diego, 2005. Case GIC826918

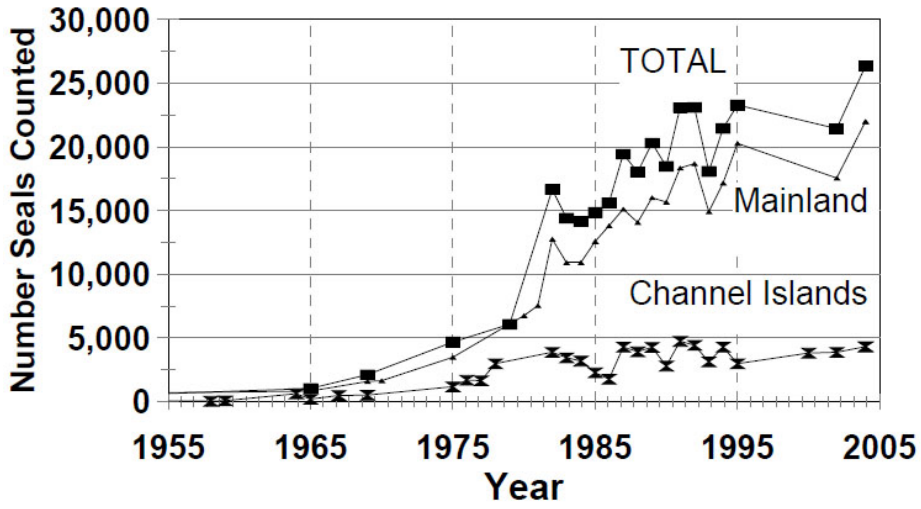
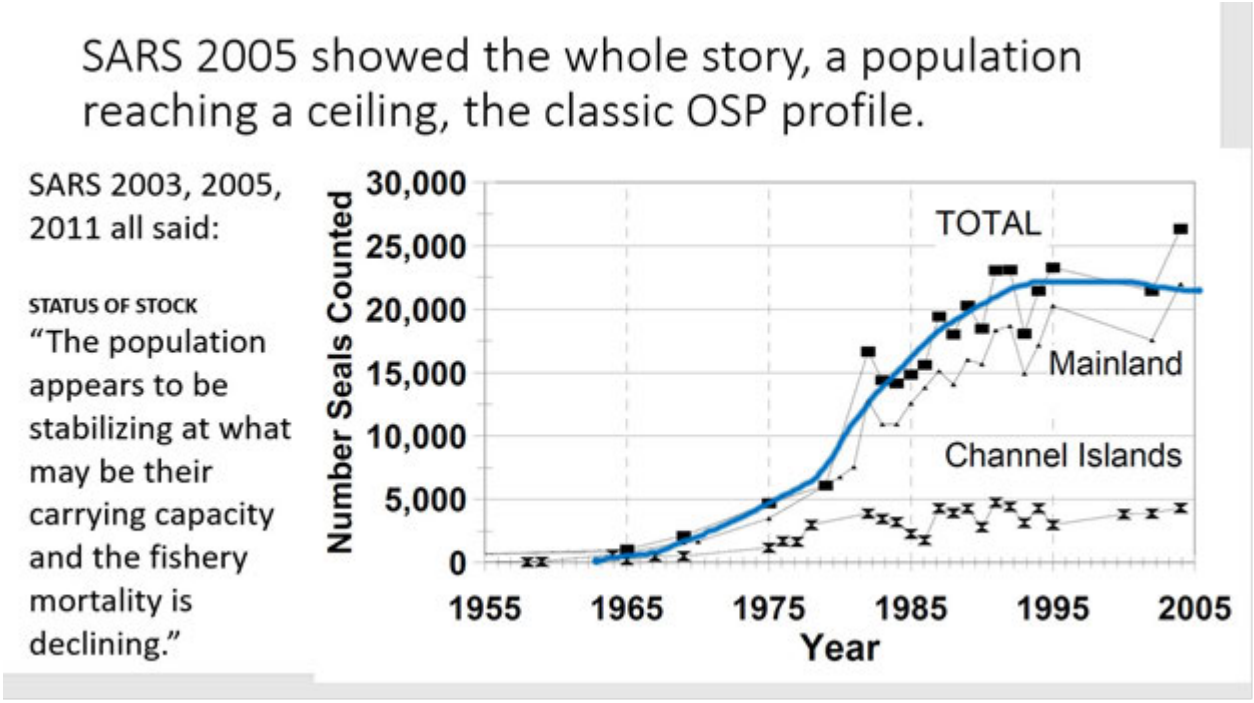


Figure 2. Harbor seal haulout counts in California during May/June (Hanan 1996; R. Read, CDFG unpubl. data; NMFS unpubl. data from 2002 and 2004 surveys).

Now take a crayon and simply make a smooth line through the dots. Anybody can do that.



We see OSP by 1985 and capacity hit by 2000. About when harbor seals came to La Jolla and decided to take a chance on sharing habitat with us. So how did NMFS not report this? No, they hid it instead by deleting critical data. In CHS SARS 2011, all data prior to 1983 was gone with no explanation. The flat growth and decline showing classic carrying capacity effects was renamed.

By the 3 year mandated schedule there should have been a SARS 2008. In SARS 2011 Status of Stock" the assessment was "The population appears to be stabilizing at what may be its carrying capacity and the fishery mortality is declining. There are no known habitat issues that are of particular concern".

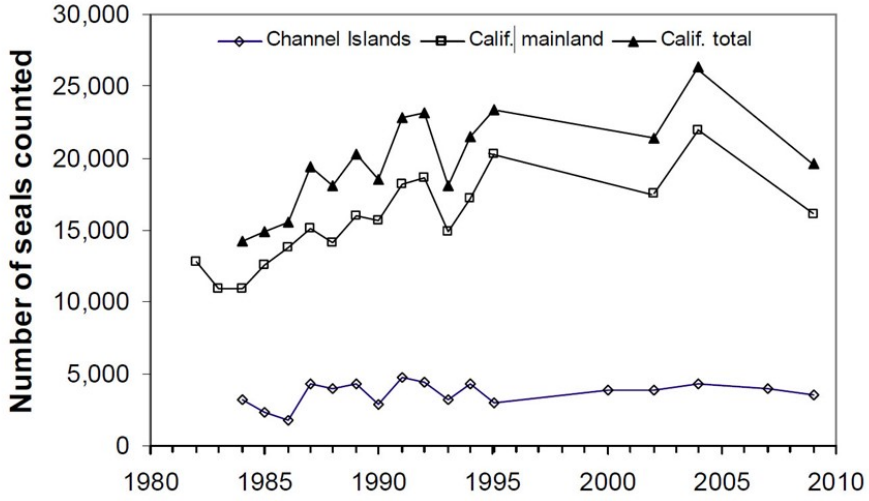
And below is their figure 3 for 2011, after omitting half the data.

What about the trends in survey counts?

- This population graph from SAR 2011 seems to show a "stabilizing" of growth, as it was called.

This graph also indicated the harbor seal population dropped 25% 2004 to 2009.

Oddly, that caused no alarm.



The closure of a public beach by the CCC was a in response to a fake emergency to "save" a supposedly small cloistered population. The other emergency was the threat of NMFS threatening to cite citizens by the hundreds. The simplest answer to that is "So why didn't they?".

Why don't they now sweep in and clear people out of our wide open sea lion rookery, animal display, tourist attraction and sometimes petting zoo? That deserves a separate letter.

Thank you for reading:

John Leek

3090 Admiral Ave,
San Diego, 92123

From:	John Leek
To:	ChildrensPool@Coastal
Subject:	Evidence tor submission concerning Children"s Pool access prohibitions permit renewal.
Date:	Saturday, May 11, 2019 11:52:35 AM
Attachments:	May 10 letter to Harrison at NOAA follow up on denial of IHA.docx LEEK.pdf Typical timeline for IHA by statute.pdf 2005-04-20-mckenna on IHA.pdf Re updates and improvements to the untitled IHA for mostly documenting sea lion tags.pdf Response to Leek IHA Request.pdf

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Please enter this email and the attached letter "May 10 letter to Harrison at NOAA follow up on denial of IHA" and substantiating documents to your file as one public comment/recommendation on the renewals of Children's Pool closure permits.

It is crucial to remember Coastal Commission originally maintained it could issue the permits because the Coastal Act was a separate legal entity not overruled by the federal Marine Mammal Protection Act (MMPA). That statute on its face seemed to overrule the Coastal Act in its chapter 109(a).
[STATE ENFORCEMENT OF STATE LAWS OR REGULATIONS PROHIBITED WITHOUT TRANSFER TO STATE OF MANAGEMENT AUTHORITY BY SECRETARY.]

The Coastal Commission won on appeal not just the right it had first asserted, to enforce is own land use regulations that are within the intent and scope of the MMPA. The appeal ruling also allows the Coastal Commission to enforce its coastal land use regulations without regard to federal demands. There is not federal overruling jurisdiction State land. Therefore the original 5 year permit need not be renewed as was - bound by a subset of federal impositions of denial of land access to California citizens. Different means to protect our resources can be employed that allow citizen coastal access regardless of federal threats.

I personally have tested federal threat to deny me access to our beaches the federal government claims to control. A federal judge suggested in 2005 (2005-04-20-mckenna on IHA) San Diego should simply use a blanket Incidental Harassment Authorization (IHA) to defuse the threat of wholesale federal prosecution of citizens whose right of coastal access conflicted with NOAA policies. As if animals choosing to occupy urban beaches were "in the wild". He believed the MMPA contained the right of citizens to have that. I thought so too. I have attached the actions federal authorities in Maryland took to deny me and everybody in

California IHA protection Congress had written into law so long ago. I and all citizens remain under threat of prosecution for accessing any beaches near disinterested marine mammals. The Coastal Commission agreed 5 years ago to impose the punishment for a federal agency unwilling or unable to make the effort itself. The CCC was mislead to believe the matter was only about one beach. That was not the case nor is it now.

UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSHPERIC ADMINISTRATION

In the Matter of: **LILO MARIA CREIGHTON,** **Respondent**	**Docket No: SW030133**

INITIAL DECISION AND ORDER

Issued: April 20, 2005

Issued by:

Hon. Parlen L. McKenna
Administrative Law Judge
Alameda, California

FOR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Paul Ortiz, Esq.
Enforcement Attorney, NOAA
Southwest Regional Office
Long Beach Federal Building, Suite 4470
Long Beach, CA 90802
Telephone (562) 980-4069
Fax (562) 980-4084

FOR THE RESPONDENT

Tom Sauer, Esq.
Attorney for Lilo Maria Creighton
6023 Vista de la Mesa
La Jolla, CA 92037
Telephone (858) 454-8720

ATTACHMENT C

The Marine Mammal Protection Act and it's implementing regulations provide a mechanism for allowing, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographic region (See 16 U.S.C. § 1371 (a)(5)(A) and 50 C.F.R. § 216.104(a). In order to obtain such an authorization by NMFS, the requesting party must submit a written request to the Assistant Administrator detailing, among other things:

(1) A detailed description of the specific activity or class of activities that can be expected to result in incidental taking of marine mammals;

(2) The dates(s) and duration of such activity and the specific geographical region where it will occur;

(3) The species and numbers of marine mammals likely to be found within the activity area;

(4) A description of the status, distribution, and seasonal distribution (when applicable) of the affected species or stocks of marine mammals likely to be affected by such activities;

(5) The type of incidental taking authorization that is being requested (i.e., takes by harassment only; takes by harassment, injury and/or death) and the method of incidental taking;

(6) By age, sex, and reproductive condition (if possible), the number of marine mammals (by species) that may be taken by each type of taking identified in paragraph (a)(5) of this section, and the number of times such takings by each type of taking are likely to occur;

(7) The anticipated impact of the activity upon the species or stock of marine mammal.

Once the Assistant Administrator receives a written request, the regulations (50 C.F.R. § 216.104(b)(2)) require that notice be given in the Federal Register, newspapers of general circulation, and appropriate electronic media in the coastal areas that may be affected by such activity. If, after completion of the regulatory process, NMFS determines that the requested "incidental taking" should be authorized, regulations will be promulgated under 50 C.F.R. § 216.105 and a Letter of Authorization issued under 50 C.F.R. §216.106.

Presumably, the filing of this application could be made by the City/County of San Diego in a parens patriae role as the trustee under the Grant Deed from the State of California. The application could also be filed by the impacted swimmers. Interestingly, the record does not indicate whether or not this approach was explored or utilized.

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

Dear Mr. Leek,

This is in reference to your July 16, 2017 request for a Marine Mammal Protection Act (MMPA) incidental harassment authorization (IHA) for activities relating to tagging of pinnipeds; and recreational access to the shoreline at La Jolla, California.

As NMFS staff have indicated in previous communication, any take that results from approaching or directing actions at pinnipeds purposefully in order to photograph their tags is not "incidental" and may not be authorized under section 101(a)(5)(D) of the MMPA.

We are continuing to consider your request as it relates to the other activities. However, given that photographing tags is a central focus of your request, please let us know whether you are still interested in pursuing an IHA.

If you have any questions, please contact Jolie Harrison at 301-427-8401.

Sincerely,

Donna Wieting

Donna Wieting
Director, Office of Protected Resources
National Marine Fisheries Service

Printed on Recycled Paper

John Leek
3090 Admiral Ave
San Diego, CA 92123

Jolie Harrison – Division Chief Marine Mammal Permitting
NOAA Fisheries Office of Protected Resources
jolie.harrison@noaa.gov
Office of Protected Resources
National Marine Fisheries Service
cc. Donna Weiting

Ref: About my IHA request submitted July 16, 2017.- refused

During all the months you had refused to simply process my IHA request, you have also never advised me of any way my IHA request was incomplete so I could address any problems in that direction per the statute. I have to assume there were no incomplete aspects of my application; there were just some undefined “unique aspects” you could not divulge but superseded imperatives in the MMPA and your own published procedures. I still say I did not violate the statute; but you did.

I am grateful you have finally given me enough information to see where things really stand. I had asked on 4/25 that you cite the actual rule by which you could alter the statute section in question. The answer was simple. You don’t need any rules. You can enforce without rules and on a case by case basis. Had you declared that a year ago, and that you have the right to deny an IHA to any class of people that might include too many others, we could have stopped then. But people don’t just want an IHA for fun. Your declarations that photographing a sea lion from less than 100 yards is criminal is what has made every beachgoer in California need one.

You have re-interpreted the MMPA level A harassment definition reading ”.. any of act of….annoyance that has the potential to …..disturb a marine mammal or marine mammal stock in the wild by causing a disruption of behavior patterns…” You hold it to mean that any act that could have any potential to annoy, whether it does or not, is illegal. You have that authority as a NOAA administrator because you serve in the Executive Branch.

I tried to cite the term “shall” in the MMPA Sec101(a)(5)(D) as if meaning “must”. The Executive Branch is the equal of the Legislative; on the same team but not a servant, and certainly not compelled to go broke carrying out unfunded mandates. The Secretary must be able to pick from among doable tasks. OK. You claim that your decision does not "disallow recreational use of public land." But it condemns any public land where a pinniped decides to visit people. That public land within 100 yards of a marine mammal is prohibited to enter and so closed to recreational use. And you save funding by not enforcing. Budget constraints are met by intimidating local governments to do that for you.

Choosing not to consider IHA requests, lest there be too many, is a justified denial of service to save money? But wait. You are not just denying a convenience when you simultaneously make all persons without an IHA criminals if unwittingly being within 100 yards of an animal on a public beach. There is a legal case unfolding now, of a man who threatened a family for months but never took any action. His defense held that since no action was taken his threats were without physical harm and protected as Free Speech. He lost.

It was not a kindness that you declined my invitation to cite me under your ruling. It was a denial of due process. How many citizens have you threatened then? Our most popular beach here which doubles as a sea lion rookery is documented to have over 1 million visitors a year. “Directing actions purposefully to photograph a marine mammal” happens here 1000 times a day and our authorities also cannot afford to intervene. When our local rangers are asked why they do nothing, they say they are not federal officers. Besides, seals and sea lions are here to attract tourists. Criminal prosecution here requires evidence of harm and they can see none.

I literally cannot complain. To the Secretary of Commerce? His boss has no sympathy for people in California. I continue to do my research and send in the photos taken from any convenient distance of disinterested pinnipeds. In California shore access is a constitutional right. If anybody posts signs telling other people to stay off “their” beach, they are prosecuted. Repeated threats of federal prosecutions delivered to our City Council from NOAA officials made our City petition the Coastal Commission to forcibly close a public beach. The evidence offered was unsubstantiated NOAA claims of harm to animals, and NOAA’s tacit approval to ignore section 109(a) of the MMPA.

Actually, I could complain, of defamation and of your Share the Shore public relations program usurping State law by decree. That program has incited rabid animal lovers to petition for more enforcement than NOAA was willing to provide. Luckily I have not suffered physical harm like a couple of acquaintances. Others still fear the danger they could also face should NOAA one day cease its laisse faire tolerance and initiate prosecutions. They stay quiet lest NOAA set out to close other beaches. The Share the Shore web page you reference serves as a posted ordinance. And a warning to stay off some beaches or suffer consequences. I do admit our locals have “disrupted the behavior patterns” of local marine mammals by approaching them – gently, patiently, so our seals and sea lions lack normal flight instincts and consider public beaches to be safe places to raise their young.

Director Whieting concluded her letter strangely. Saying “Please” is hardly a way to convey a legal order, and oddly asking me to “continue to make every effort” in adherence to Share the Shore guidelines, though I have never done so and have expressed my intent not to. “Every effort” meant, as explained, “adherence to marine mammal viewing guidelines as found in the Share the Shore website”. Obviously I take care not to spook an animal I want to photograph or I don’t get the picture so willful intent is absent. Too close for comfort is a variable arbitrated between me and individual sea lions. It is their choice. The sea lion or seal is the only knowledgeable witness to whether harassment happened.

Besides budget concerns, I do not believe you could go back and claim the right to enforce the “will of Congress” here as found in the MMPA after the prolonged abstention anyway. California might have had to bow to federal rules under the 10th amendment for decades but the federal option to control our shoreline has withered; been ruled against and forfeited voluntarily. Our beaches never were “Lands under the jurisdiction of the United States” as the MMPA specifies repeatedly in its text. We have our own legal protection for animals under California Code 251.1 which protects all furbearing mammals from harassment.

If one day you wish to re-assert arbitrary control over California citizen land access in what we call the Coastal Zone please advise the California State Lands Commission in advance. They will advise those who need to know. Then you might start making arrests and the matter can be decided by the courts. But it will not be as economical as making empty threats.

Respectfully yours John Leek May 10th 2019

Subject: Re: updates and improvements to the untitled IHA for mostly documenting sea lion tags.
From: Jolie Harrison - NOAA Federal <jolie.harrison@noaa.gov>
Date: 2/5/2019, 5:23 AM
To: John Leek <jleek001@san.rr.com>
CC: Donna Wieting <donna.wieting@noaa.gov>

Hello Mr. Leek,
Thank you for your patience, we are re-organizing now and will get back with you shortly.
Jolie

On Mon, Feb 4, 2019 at 11:44 PM John Leek <jleek001@san.rr.com> wrote:

> End of the year got put off a bit. Not your fault.
> I continued to supply photo IDs of pinniped release tags seen in San Diego, and am now well past 1500 photo pairs, or 3000+ takes I am accused of. I wanted to start over in 2019 anyway, and perhaps what you were waiting for has taken place?
>
> On 12/3/2018 2:54 AM, Jolie Harrison - NOAA Federal wrote:
>
> > Mr. Leek,
> > Thank you for your email.
> > As I indicated previously, we will get back with you by the end of the year.
> > Jolie
> >
> > On Mon, Dec 3, 2018 at 12:15 AM John Leek <jleek001@san.rr.com> wrote:
> >
> > > Dear Ms. Weiting
> > > I have to return to you to seek to resolve this situation. I know you told me to go back to Jolie Harrison, but that was under the assumption I would be removing a major part of my IHA request. As I wrote back to her, pointing a camera at a sea lion alone is not a take under the MMPA. It has to disturb the animals sufficiently to.... well, you know. But Ms Harrison cannot go back to reviewing my 16 month old IHA because you have made a ruling that I am guilty of nearly 3000 acts of taking. I tried to turn myself in to NOAA Office of Law Enforcement, to get a determination, asking they cite me on the basis of your ruling or ignore my request as an indication the charges lack merit. 10 days later, I conclude my request has been ignored. Both the stonewalling of my request and the leveling of unsubstantiated charges are denial of due process. But I would prefer to just start over and have my request reviewed and published for the MMC to decide if it has merit. Can we just do that and put the rest behind us?
> > >
> > > -------- Forwarded Message --------
> > > **Subject:**Re: updates and improvements to the untitled IHA for mostly documenting sea lion tags.
> > > **Date:**Wed, 14 Nov 2018 08:00:35 -0800
> > > **From:**John Leek <jleek001@san.rr.com>
> > > **To:**Jolie Harrison - NOAA Federal <jolie.harrison@noaa.gov>
> > >
> > > Dear Ms. Harrison; I just found your email in my junk bin. Good thing I checked. And I thank you for replying.
> > > I don't know how things came to this. I only wanted to help Stranding Coordination get

release ID data they seemed to need. And I wanted to do it honoring the MMPA, so I asked for an IHA - to enter into a written agreement to do everything I could to do no harm.
Now we are 16 months later, each accusing the other of violating the MMPA. What happens to your unique issues at the end of the year?
I will still be accused of illegal taking by the hundreds. There is a simple resolution to your determination I have continuously violated the Moratorium and so do not deserve an IHA. Prove it.
You need only notify Office of Law Enforcement here that John Leek must be issued a citation. You say you have determined I have violated the Act repeatedly, yet you have not told Stranding Coordination to stop accepting my photos, nor threatened any action if I continue. I have been warned and your evidence shows, continue knowing unauthorized take of marine mammals. No need for a warrant, I am easy to find.

On 11/3/2018 5:41 AM, Jolie Harrison - NOAA Federal wrote:

> Hello Mr. Leek,
> Thank you for following up.
> As I have communicated previously, the time it is taking to address your request is related to both the office workload and the need to address some unique issues.
> We plan to get back with you before the end of the year.
> Thank you,
> Jolie
>
> On Fri, Nov 2, 2018 at 9:26 PM John Leek <jleek001@san.rr.com> wrote:
>
> > We have both had some time out. For myself I spent 3 weeks in Peru and Ecuador, most of it in the Galapagos Islands. Now I am wondering what became of my request to you and Amy Sloan to just advise me of one (1) incomplete part of my application. My request has been in review since 7/16/17, which is 15 ½ months. That seems a little excessive according to your own procedures.
> >
> > Perhaps I am misdirected. In her letter of July 2018, Donna Weiting directed me to contact you if I had any questions. But that was supposing she was done with me because she understood my IHA could be denied since she had been advised that pointing a camera at a sea lion is an illegal Take by definition. Since I came back to you with requests for clarification and review of my IHA, and you have no answer, I suppose I should have gone back to Donna Weiting months ago to seek the explanations. Or should I go directly to the Office of Law Enforcement to request an assessment of my guilt? If I have been breaking the law I really need to clear that up.
> >
> > On 9/28/2018 6:13 PM, John Leek wrote:
> >
> > > I am sorry to have posed such a problem that review takes over a year. I didn't

mean to, and I would gladly work with you on whatever the incompleteness is. I did contact Amy Sloan per your reply on Sept 9 and I asked if she could just identify just 1(one) aspect of my IHA request that was incomplete, but I never heard back. Since the IHA request is "in review", the only impediment is waiting for you to send it back explaining what is incomplete, or write up the final IHA for publication.

I have seen an IHA recently published for City of San Diego to do construction that could frighten seals, and I noted the definition of the harassment to be avoided was the standard MMPA definition, no mention of body lengths moved or degrees turned. Nice and simple. But I have to repeat the request I made on 4/4/2018..."*Please continue to consider my application still legitimately entered since 7/16/17 or give me information to the contrary.*"

On 8/20/2018 11:01 AM, Jolie Harrison - NOAA Federal wrote:

> Hello Mr. Leek,
> We are still reviewing your request and will get back with you relatively shortly.
> Thank you,
> Jolie
>
> On Mon, Aug 20, 2018 at 12:55 PM, John Leek <jleek001@san.rr.com> wrote:
>
> > I have not received any reply to my 8/3 updates to my IHA request to accommodate the redefining of "take" to include approaching a marine mammal close enough to point a camera at it. I was trying to work within what appeared to be a rulemaking to criminalize my activities and what goes on here daily as dozens of pictures of sea lions are taken at our la Jolla sea lion rookery at close range by tourists. I was mistaken.
> >
> > The definition of 'take' in the MMPA has not changed. All that happened was you used a catchphrase from the section of the MMPA dealing with Letters of Consent that may be issued (and denied) under other circumstances. Had I applied for a Letter of Confirmation, the term "directed at" would have been applicable. Your office had hinted at the possibility on 6/29/17 but also dashed that hope on noting "Section 101(a)(5)(D) of the MMPA (which allows for issuance of incidental harassment authorizations) only applies to activities that are NOT directed at marine mammals". I did not know enough to point out that misapplication of a term having meaning only for Letters of Confirmation.
> >
> > Using that definition of what is not available in the narrow circumstance of an LOC does not rewrite the definition of 'take by harassment' in all other cases too. It must not, or Office of Law Enforcement down here would have overlooked thousands of citable offenses and need to hire more personnel to begin to punish the guilty. So I was wrong; as were you. In the newest

revision of the NOAA/NMFS websites, there is a different reason now found at https://www.fisheries.noaa.gov/node/17681 Simply"
These activities **may not** be authorized by an LOC:

- Research on pinniped rookeries.

No reasoning is given, but in case of LOC's there is no "shall" but under sec 104, particularly (c)(3)(A) "The Secretary **may** issue a permit under this paragraph for scientific research". My "scientific research" is on behalf of NOAA Stranding Co-orodination and so bona fide, but still rejectable under an LOC, as seen above, and it is obvious from the resistance I have endured so far, your office would surely exercise its discretion to refuse me one anyway.

I feel foolish for having mislead myself but it was in an honest attempt to accommodate what I believed was a legal rule enlarging the definition of 'take by potential to disturb' under the MMPA. Still the updates I gave you a couple weeks ago are not bad, so please see if you can process my request per your published timetable or return it with a real explanation of how you can consider it incomplete.

On 8/6/2018 11:50 AM, John Leek wrote:

> Once I understood my IHA had been stopped in review stage after being "returned with an explanation", as promised, I added mitigations and reasoning showing what ever "takes" I performed would not adversely affect the pinniped stock at large. I have accepted and dealt with the explanations concerning the federal refined definition of "take".
> Please review this updated application for acceptability. You may feel free to strike and replace any parts, of course. Please indicate if I need to add the portion of body length a seal might move to be harassment, and the equivalent for sea lions.
>
> John Leek

--
Jolie Harrison
Chief, Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Silver Spring, MD 20910

> > > Office: (301) 427-8401
>
>  Virus-free. www.avast.com
>
> --
> Jolie Harrison
> Chief, Permits and Conservation Division
> Office of Protected Resources
> National Marine Fisheries Service
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--
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

John Leek
3090 Admiral Avenue
San Diego, CA 92123

Dear Mr. Leek,

This letter is in reference to your July 16, 2017, request for a Marine Mammal Protection Act incidental harassment authorization for activities related to recreational beach use.[1]

The National Marine Fisheries Service (NMFS) does not issue authorizations for incidental take to cover recreational beach use that may potentially result in the harassment of pinnipeds. While it is possible that take of pinnipeds could incidentally result from accessing the beach and water, we believe recreational beach users can largely avoid take through the exercise of common sense and adherence to marine mammal viewing guidelines (please see https://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/share_the_shore_resources.html). Further, as a practical matter, NMFS does not have the capacity to issue authorizations to allow the take of pinnipeds incidental to recreational beach use for the innumerable individuals who could request them.

Please continue to make every effort to avoid harassment of pinnipeds during recreational beach use.

Sincerely,

Donna S. Wieting

Donna S. Wieting
Director, Office of Protected Resources
National Marine Fisheries Service

[1] Note that the agency replied separately on July 3, 2018, to your request as it relates to photographing tags of pinnipeds.

Printed on Recycled Paper

	Incidental Take Regulations & Letter of Authorization (LOA)	Incidental Harassment Authorization (IHA)
Section	101(a)(5)(A)	101(a)(5)(D)
zes	harassment or mortality	harassment only
re &	regulations, LOAs under 2 public comment periods valid up to 5 years can cover multiple entities	no regulations 1 public comment period valid up to 1 year issued to one entity
ing	not prescribed by statute typically 12-18 months	120 days by statute typically 6-9 months

Typical Timeline for IHA

- 120 days by statute (45 days to publish proposed IHA + 30 day comment period + 45 days to issue or deny)
- **Applicant submits** IHA application **(Time 0)**
- We **review** application for adequacy,/completeness, review draft NEPA document/other available information, make preliminary determinations, prepare and clear proposed IHA **(+2-5 months)**
- We **publish proposed IHA** in Federal Register; comments received at end of 30 day review period **(+1 month)**
- Review public comments, complete ESA Section 7 consultation / NEPA findings, work through issues with applicant to make final determinations; **issue final IHA (+1-3 months)**

So, approximately **4-9 months** to issue an IHA

From:	John Leek
To:	ChildrensPool@Coastal
Subject:	How many seals live at Children"s Pool?
Date:	Sunday, May 12, 2019 8:11:22 PM
Attachments:	2 Just passing through Child...pdf

Please enter this email and its attachment to the public input file on the renewal of Children's Pool closure permits.

Five years ago the Commission was led to believe Children's Pool sheltered the only harbor seals on the southern California mainland.

Nobody questioned where the seals went in the summer when the sand gets hot and mating and molting seasons are over. Implication was in the summer the tourists kept them away and if tourists were kept off the beach we would have them all year. But the seals had been there for 20 years mixing with tourists, to the consternation of NOAA SW office.

San Diego had a repeated maximum count of 167 seals on Children's Pool Beach and so filed a CEQA report saying there would be no ecological impact from protecting that urban colony with a rope and closure, because the beach was already up to capacity so the number could not increase. (At least there would be no impact on THAT beach)

It was assumed the seals that were counted each month were the same seals. They looked the same. But the City conclusions were wrong - and an informal undergraduate study had proven it in 2010. (Attached) Why did this not come to light in the 2014 permit hearings? Because there was no Phd in the Lister study so it did not get into a scientific journal, and because the City had no use for such facts.

Therein is a flaw in the review process when a City has a Local Coastal Plan. When it submits a permit application, the City is the client of the Coastal Commission and applying as a partner of the Commission. The staff has no time or spare people to check on conflicting information. That is why a simple 10 year renewal would be a bad idea. Better to issue a 2 year renewal with conditions requiring outside sourced information and specific tasks to be carried out, not just "considered". We know what you get from San Diego when you leave any leeway.

.

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Just passing through: Children's Pool seals

Research suggests our harbor seals may be part of a larger, roaming, regional network

By Mike Lee

Monday, May 24, 2010 at 12:04 a.m.



Peggy Peattie / UNION-TRIBUNE

If a UCSD study is accurate, a more transient and larger population of harbor seals than is present at any given time would be more difficult to ward off from Children's Pool in La Jolla.

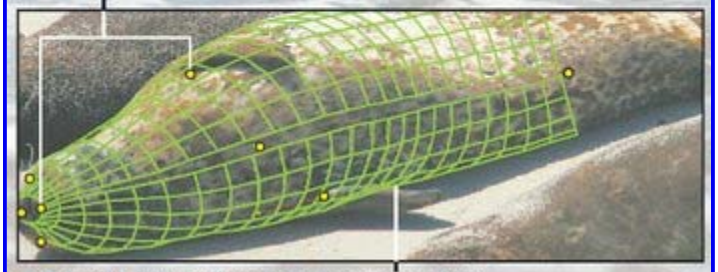
Seal population at Children's Pool

Large numbers of harbor seals began moving to Children's Pool beach in La Jolla during the early 1990s. Since then, the number present on a given day has ranged from a few to more than 200. To better estimate the population, UCSD researchers used photo-identification software.

USING SPOTS TO IDENTIFY SEALS

For 10 months in 2008, researchers took thousands of photos of the seals, then analyzed them using special software.

1. After a picture is loaded, researchers mark key points on the seal, such as its nose, mouth and flippers.



2. The software uses these points and the original photo to create a 3D map of the seal's abdomen.

3. The software extracts a black-and-white image of the chest.

4. By comparing the spot pattern to others in a database, the program flags possible matches.

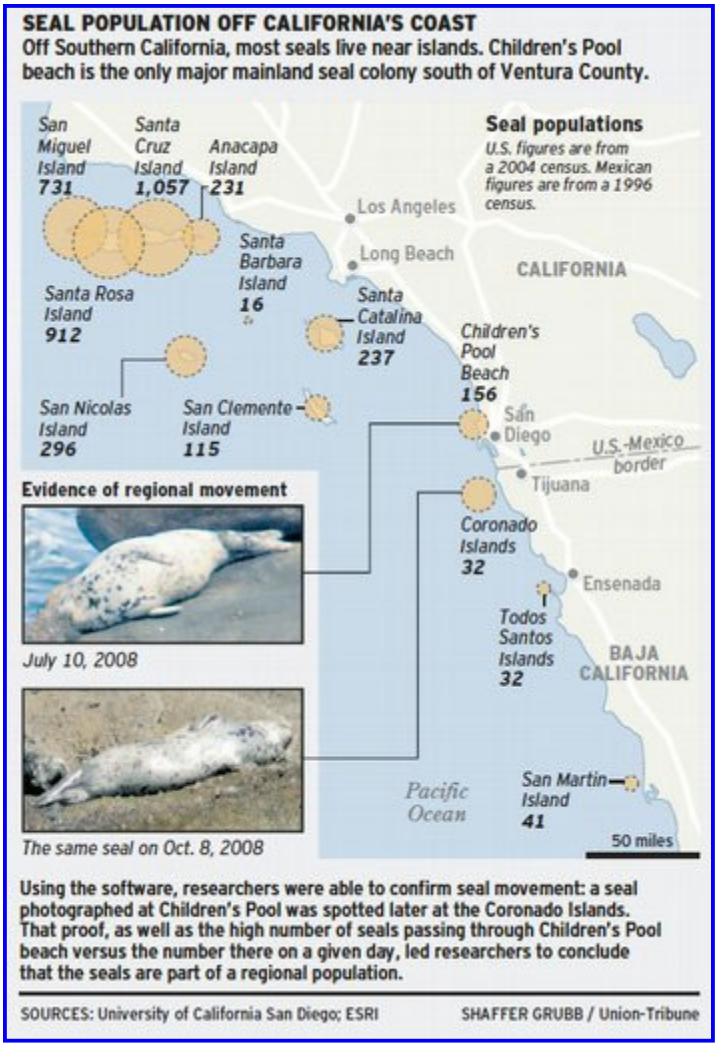


5. After double-checking the findings, researchers were able to identify about **500** adult seals that visited the beach at least once from January through October 2008.

Most counted at one time by La Jolla Friends of the Seals: ***207***



Researchers are still analyzing numbers but believe the number of seals using the pool may be a few thousand, far more than previous estimates.



HARBOR SEALS

- Range from Alaska to Baja California.
- Haul out at up to 1,000 sites statewide.
- Congregate in abundant numbers along the Central Coast and Channel Islands.
- Can travel hundreds of miles.
- Eat rockfish, octopus, surfperch, squid and other seafood.

Conventional thinking for years has been that roughly 200 harbor seals belong to an isolated colony at Children's Pool beach in La Jolla.

Emerging research from the University of California San Diego suggests the reality is far different.

Thousands of digital photos taken at the cove and a specialized software program have allowed anthropology professor Jim Moore and biology graduate student Traci Linder to identify about 500 distinct seals that visited the site between January and October 2008. The study suggests the actual total could be much higher, all part of a broader network of harbor seals.

The researchers' work provides a rare scientific look into seals at Children's Pool, one of the most well-known colonies in the nation. Disputes over whether seals or humans have top priority for use of the cove have led to lawsuits, protests and dozens of public meetings during the past five years.

Currently, San Diego officials are debating whether to allow shared use of the beach.

“The seals at Children’s Pool are not a discrete local group that might shift or disperse, but part of a larger regional population,” Moore said. “There are a lot more seals at that site than anybody has acknowledged.”

That raises questions such as how often the seals visit Children’s Pool, how long they stay, what would happen to local beaches if more seals decided to stick around and where the seals go when they leave La Jolla.

It also means that chasing away seals from La Jolla — a strategy that San Diego officials once offered — could be more difficult than realized.

“If you have a small group that uses (the beach) and you convince them to go somewhere else, then they’re gone,” Moore said. “If you have a very large number, all of whom use it occasionally, you chase some away and others are going to be showing up. It’s a much longer process.”

Not everyone thinks the findings ring true.

Based on past surveys of the seal colony at Children’s Pool, “I would actually be very surprised if the number was that high,” said Pamela Yochem, a senior researcher at the Hubbs-SeaWorld Research Institute in Mission Bay.

She believes the count is closer to 300.

Linder said she, too, was surprised initially by the results of her research. They suggest to her that the cove is a “transition site” for seals moving between the Channel and Coronado islands, near the U.S.-Mexico border.

“It definitely adds another factor of (ecological) importance” to Children’s Pool, Linder said.

She and Moore favor letting the marine mammals remain at the cove, but said their research wasn’t influenced by their personal leanings. Advocates of restoring the beach as a swimming area for people want to disperse the seals so their feces will no longer contaminate the sand.

Harbor seals range from Alaska to Baja California. The National Marine Fisheries Service pegs the population along California to be stable — about 33,000. The creatures pull onto beaches at roughly 1,000 spots along the mainland and islands to rest, give birth and nurse their young.

Haul-out spots for these seals are common in Central California. La Jolla is the only major mainland beachhead for them south of Point Mugu, said Mark Lowry, a research biologist at the Southwest Fisheries Science Center in La Jolla.

Children’s Pool — also called Casa Beach — is a fingernail of sand protected by a sea wall. It was set aside in 1931 as a place for people to practice swimming in the ocean. The cove also proved popular with pregnant seals and their pups because it’s protected from big waves and sits close to some rich feeding areas.

Harbor seals were widely hunted for their pelts until passage of the U.S. Marine Mammal Protection Act in 1972. Once the law took effect, “the seal population began to increase in California and along the West Coast ... (and) individual animals began to haul out in areas with suitable habitat and expanded their range,” said Monica DeAngelis at the National Marine Fisheries Service in Long Beach.

Seals used Children’s Pool beach only sporadically before 1990, according to an assessment done for San Diego city last year. Then the numbers started climbing and in 1997, the county Health Department made swimming off-limits there because of pollution from seal fecal matter.

The closure and other aspects of the controversy have sparked years of legal and political battles but

relatively little scientific research. Studies are limited partly because the federal government doesn't consider harbor seals to be a threatened or endangered species, so they aren't a top priority for agencies that fund such work.

The Children's Pool colony caught Moore's attention in 1999, when his 9-year-old daughter became interested in the situation.

Moore, a biological anthropologist, studies human-animal interactions. He mainly works with primates in Africa but saw the Children's Pool seals as a way to study something closer to home and tap his lifelong interest in marine mammals.

His curiosity was piqued by a report from two students at Palomar College who in the late 1990s estimated that 200 seals lived at the beach.

"I was pretty sure there were more than 200 seals and pretty sure that it wasn't a discreet colony," Moore said. "So I wanted to know how many there were and where they were going."

Linder, in search of a topic for her master's thesis, heard that some Children's Pool seals with easily distinguishable markings "seemed to only come during one part of the year and then disappear."

She eventually learned about Moore's research, which he had been doing informally for years. Their joint work got a boost when Moore won a grant of $7,500 from UCSD's Committee on Research. Moore used the money to pay student assistants and buy identification software from a British company called Conservation Research Ltd.

The computer program, first developed in 1992, scans pelts and creates a database of spot patterns that it can compare using an algorithm. The technology has been tapped for research on everything from cheetahs to zebras.

"The software is being used to study aspects of wildlife populations such as local abundance, movement and survival and is now finding a forensic application in tracing the origins of poached tiger and leopard skins," said Lex Hiby at Conservation Research.

Linder and her fellow students spent dozens of hours in recent years taking pictures of the Children's Pool seals. The software created 3-D models from the photos and assessed the chest and abdomen areas of each seal.

The patterns from those isolated patches were then compared to other images to weed out duplicates. Researchers scrutinized possible matches themselves, a process that took hundreds of hours.

Linder hopes to have a final tally of the Children's Pool seal population in June.

"I will only confidently state the minimum number that I've identified," she said. "It's very likely that there are many more than 500 seals using this beach, most likely within the low thousands."

Mike Lee: (619) 293-2034; mike.lee@uniontrib.com

Find this article at:
http://www.signonsandiego.com/news/2010/may/24/just-passing-through

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From:	John Leek
To:	ChildrensPool@Coastal
Subject:	What the experts said about danger to seals at Childrens Pool
Date:	Sunday, May 12, 2019 6:44:44 PM
Attachments:	McInnis101705_noaa.pdf 051805_Hanan_dec.pdf Hartbor Seal graph from po2007-2.pdf

Please enter this email and its attachments to the public input file on the renewal of Children's Pool closure permits.

In May 2005, the City was sued by Humane Society funded activists trying to force an end to shared use and ending human access. To defend itself, the City used expert testimony from Dr. Doyle Hanan who had pioneered harbor seal aerial census methods while working for California Department of Fish and Game. When NOAA began studying seal population in its SARS program it copied his methods faithfully. He gave a deposition to the court concluding harbor seals were already approaching carrying capacity, the Children's Pool seals would just find a new place, and installing a rope across the beach would not be critical to the Children's Pool seals. (Attachment)

The accepted knowledge source on marine mammals is the National Oceanographic and Atmospheric Administration, charged with research on marine all mammals. On April 29, I sent you facts that debunked the claim offered in the 2014 hearings that a NOAA-originated website had shown scientific evidence the Children's Pool contained the only seals in Southern California. That website clip helped convince the Commission that public access at the Children's Pool was dangerous to the tiny singular colony of seals there and the closure permit was needed. Real science from NOAA was much different.

In October of 2005, the NOAA SW director McInnis was happy to hear San Diego was going to have to disperse the CP seals by a court order. He sent a letter to San Diego encouraging that option, stating it would be a fine idea to purposefully exclude the seals from Children's Pool permanently to restore the beach for exclusive human use, and even offering help. (Attachment)

On May 1st, I sent you the math to show NOAA knew harbor seals had reached overpopulation by year 2000 but was not admitting it. (Figure 2 from SARS 2007 attached)

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Attorneys for Defendants
CITY OF SAN DIEGO; RICHARD MURPHY, In his official capacity as Mayor of San Diego; and COUNCILMEMBERS SCOTT PETERS, MICHAEL ZUCCHET, TONI ATKINS, TONY YOUNG, BRIAN MAIENSCHEIN, DONNA FRYE, JIM MADAFFER, AND RALPH INZUNZA in their official capacity as members of the City Council of San Diego

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO, CENTRAL DIVISION

THE HUMANE SOCIETY OF THE UNITED STATES, JAMES HENRY NATT HUDNALL JR., REBECCA CARY, FLORENCE LAMBERT, and ANGELA ANDRE, Plaintiffs, v. CITY OF SAN DIEGO; RICHARD MURPHY, In his official capacity as Mayor of San Diego; and COUNCILMEMBERS SCOTT PETERS, MICHAEL ZUCCHET, TONI ATKINS, TONY YOUNG, BRIAN MAIENSCHEIN, DONNA FRYE, JIM MADAFFER, and RALPH INZUNZA, in their official capacity as Members of the City Council of San Diego, Defendants.	Case No. GIC 843343 **DECLARATION OF DOYLE A. HANAN, PH.D. IN OPPOSITION TO PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER** Date: May 4, 2005 Time: 10:00 a.m. Dept.: 71 I/C Judge: Hon. Ronald S. Prager Cmplt. Filed: 2/25/05 Trial: Not Set

I, Doyle A. Hanan, Ph.D., declare that I am competent to testify about the following facts, of which I have personal knowledge:

1. I have over 35 years of experience as a research biologist, project leader, supervisor, and educator, specializing in marine mammals and harbor seals. Currently, I am self-employed as a private consultant and Chief Scientist for Hanan & Associates, Inc. Prior to this position, I worked for the California Department of Fish and Game from 1974 to 2000. In 1984, I became the California Department of Fish and Game Associate Marine Biologist in charge of marine mammals, and in 1993 I became the Senior Marine Biologist, Supervisor. As Senior

Marine Biologist, I was responsible for research and management of sport and commercial fisheries and marine mammals.

2. I earned my Masters Degree in Marine Biology in 1976 from California State University Long Beach and earned my Doctorate Degree in Biology in 1996 from the University of California, Los Angeles.

3. I am a member of the Pacific Scientific Review Group, which advises the National Marine Fisheries Service (NMFS) on marine mammals in the Pacific Ocean. In this capacity, I review and make recommendations on NMFS' research and stock assessments on marine mammals in the Pacific Ocean and make recommendations as to any needed modifications to its reports. Additionally, I reviewed and contributed to the 1994 amendments to the Marine Mammal Protection Act. I am also a member of the Society for Marine Mammology. I have testified before Congress on issues related to marine mammals. I served on the task force to evaluate the scientific information on the impacts of California sea lions and harbor seals on salmonids and on the coastal ecosystems of Washington, Oregon, and California.

4. I have personally observed and studied harbor seals and other pinnipeds along the West Coast of the United States since 1979. Included in this work, I completed fifteen years of aerial survey of harbor seals along the West Coast. I have researched and drafted numerous reports on the behavior of harbor seals, and have first-hand expertise in the behavior patterns of harbor seals. My dissertation was entitled, "Dynamics of abundance and distribution in the Pacific harbor seal, *Phoca vitulina richardsi*, on the coast of California," which included tagging harbor seals and observing their behavior from 1982-1995.

5. From October 2003 to March 2004, I worked under contract for the City of San Diego observing and recording harbor seal behavior and hauling patterns at the La Jolla Children's Pool (also known as Casa Beach) as a part of the City of San Diego's preparation to apply for an Incidental Harassment Permit from NMFS for construction to the lifeguard tower.

6. I maintain a neutral position on the presence of harbor seals at the Children's Pool. The purpose of this declaration is to provide information regarding harbor seals at Children's Pool that is within my professional and personal expertise.

7. A copy of my curriculum vitae is attached as Exhibit 1.

8. I have personally visited Children's Pool both before and after the advisory rope was removed.

9. Since the 1920's, the population of harbor seals on the West Coast and Southern California has steadily increased. Harbor seals are currently near their Optimum Sustainable Population level (OSP) in California and are approaching carrying capacity. They are one of the most commonly seen marine mammals along the West Coast of North America. In California, there are at least 1000 hauling sites. My most recent research has shown that the number of harbor seals in California has likely been under-estimated. Harbor seals have been documented to be present at Children's Pool since at least 1979.

10. Harbor seals in California are not endangered or threatened under the Endangered Species Act, nor a strategic population under the Marine Mammal Protection Act (MMPA).

11. Based upon my personal observation of numerous seal colonies along the West Coast, I have observed that the harbor seals located at Children's Pool are unusually tolerant to human contact. Generally, harbor seals are skittish and have the tendency to react or flush into the water at the slightest movement or sound. In my personal observations of the harbor seals at Children's Pool, I observed that the harbor seals there did not react to human behavior that normally would disturb harbor seals (such as laughing, clapping, stomping, climbing, snorkeling, swimming, and wading).

12. At Children's Pool, harbor seal pupping season is approximately from January through April, with some births possibly occurring in December and May. The pupping season likely peaks in February or March. When a pup is born on land, the birthing female usually encourages the pup into the water within an hour of its birth.

13. It is normal for there to be some premature harbor seal pup births and pup abandonment. There are many possible reasons for these occurrences. For example, a female may reject a pup if something is biologically wrong with the pup. Based upon my experience tagging seals, during pupping season, it is my professional opinion that interaction with humans is not likely to be a significant cause of seal pup abandonment.

14. As the population of harbor seals increases towards carrying capacity, it would be expected that the harbor seal and pup mortality rate would increase. It would also be expected that the number of pup abandonments would increase.

15. There are many rookery sites (where harbor seal pups are born) other than Children's Pool in Southern California, and all along the West Coast. If the harbor seals were to abandon the Children's Pool site, they would likely move to another site and continue to survive and give birth to pups.

16. In my professional opinion, the continued use of Children's Pool by harbor seals is not critical for the survival of the harbor seals present at Children's Pool or the harbor seal population as a whole.

17. In my professional opinion, the presence of the advisory rope is not critical to the survival of the harbor seals present at Children's Pool or the harbor seal population as a whole.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to my own personal knowledge.

Executed this 18th day of May, 2005, at San Diego, California.

_____

DOYLE A. HANAN, Ph.D.

NMFS. 1997. Investigation of scientific information on the impacts of California sea lions and harbor seals on salmonids and on the coastal ecosystems of Washington, Oregon, and California. U.S. Department of Commerce. NOAA Tech. Memo. NMFS/NWFSC-28, 172 Pages.

correction factor is directly applicable to an aerial photographic count in California: the 1.53 factor was measured at the wrong time of year (when fewer seals are hauled out) and in a different area and the 1.20 factor was based on the fraction of seals hauled out over an entire 24-hour day (correction factors for aerial counts should be based on the fraction of seals hauled out at the time of the survey). Hanan (pers. comm.) revised his haul-out correction factor to 1.3 by using only those seals hauled out between 0800 and 1700 hrs which better corresponds to the timing of his surveys. Based on the most recent harbor seal counts (26,333 in May-July 2004; Lowry et al. 2005) and Hanan's revised correction factor, the harbor seal population in California is estimated to number 34,233.

Minimum Population Estimate

Because of the way it was calculated (based on the fraction of seals hauled out at any time during a 24 hr day), Hanan's (1996) correction factor of 1.2 can be viewed as a minimum estimate of the fraction hauled out at a given instant. A population size estimated using this correction factor provides a reasonable assurance that the true population is greater than or equal to that number, and thus fulfills the requirement of a minimum population estimate. The minimum size of the California harbor seal population is therefore 31,600.

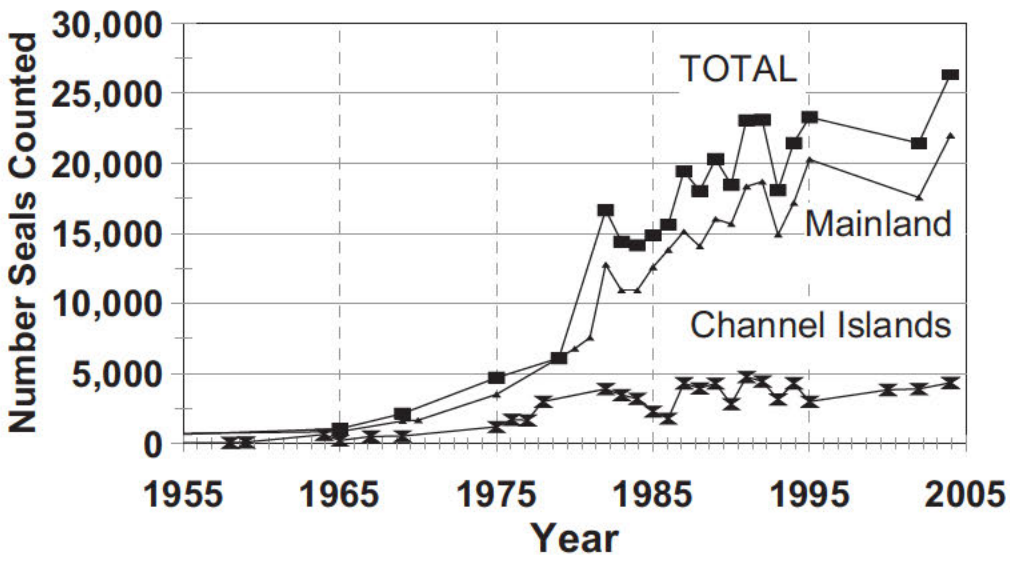


Figure 2. Harbor seal haulout counts in California during May/June (Hanan 1996; R. Read, CDFG unpubl. data; NMFS unpubl. data from 2002 and 2004 surveys).

Current Population Trend

Counts of harbor seals in California showed a rapid increase from approximately 1972 (when the MMPA was first passed) to 1990 (Fig. 2). Net production rates appeared to be decreasing from 1982 to 1994 (Fig. 3). Although earlier analyses were equivocal (Hanan 1996) and there has been no formal determination that the California stock has reached OSP (Optimal Sustainable Population level as defined by the MMPA), the decrease in population growth rate has occurred at the same time as a decrease in human-caused mortality and may indicate that the population is approaching its environmental carrying capacity. Population growth has also slowed or stopped for the harbor seal stock on the outer coasts of Oregon and Washington (see separate Stock Assessment Report).

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802- 4213

OCT 17 2005

In response refer to:
151422SWR2005PR20267:CEC

April Penera
City Manager's Office
City of San Diego
202 "C" Street
San Diego, California 92101

Dear Ms. Penera:

I am sending this letter in response to the September 26, 2005, letter from Shannon Thomas, Deputy City Attorney of the City of San Diego, notifying the National Marine Fisheries Service (NMFS) that the City of San Diego intends to exercise its authority under section 109(h) of the Marine Mammal Protection Act (MMPA), 16 U.S.C. § 1379(h), to intentionally harass harbor seals at Children's Pool Beach in La Jolla, CA.

Section 109(h) of the MMPA authorizes Federal, State or local governments to intentionally take marine mammals, if the taking is done in a humane manner and is for: (a) the protection or welfare of the mammal; (b) the protection of the public health and welfare; and (c) the nonlethal removal of nuisance animals. This authority is limited to Federal, State or local government officials or employees taking marine mammals in the course of their duties as an official, employee, or designee.

My understanding based on our meeting with you on September 16, 2005, is that the City of San Diego intends to excavate sand from Children's Pool Beach in order to restore the beach for exclusive human use and that the City will be taking further actions as necessary to permanently exclude marine mammals from Children's Pool Beach in order to ensure the beach is safe for human use. NMFS agrees that the MMPA allows the City to restore the beach for exclusive human use provided the City determines one or more of the above provisions of section 109(h) apply and can document the decision. No formal approval or permit is needed in order for the City to take action under section 109(h).

The City will be required to report every six months to the Secretary of Commerce regarding any take of marine mammals carried out under authority of section 109(h). Generally, the report must include a description of: 1) the animal(s) involved; (2) the circumstances surrounding the taking; 3) the method of taking; 4) the name and official position of the official or employee involved; 5) the disposition of the animal, including in cases where the animal has been retained in captivity, a description of the place and means of confinement and the measures taken for its maintenance and care; and 5) such other information that the Secretary may require. See 50 CFR 216.22(b).

If the sand removal operations are expected to occur during harbor seal pupping season (January through April), then NMFS recommends the City consider removing the animals (in compliance with section 109(h)) from the area by November 2005 to ensure they have left the area before the beginning of pupping season.

NMFS appreciates the opportunity to provide guidance regarding the City's responsibility and authority under the MMPA and looks forward to providing technical assistance as the City moves forward with this project.

Sincerely,

Rodney R McInnis

Rodney R. McInnis
Regional Administrator

cc: Shannon Thomas, Office of the City Attorney

Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com May 14, 2019

To California Coastal Commission staff public input on Children's Pool public closure renewals.

Ref: How propaganda will put pressure on the CCC for more closures.

San Diego citizens had reason to abandon the Children's Pool in the face of harassment and turmoil and decide to just watch the Commission close it, as it was not worth going to anyway. Even the people like divers and swimmers that had the most value from it resigned themselves to going to other places. Why set out for a great day at the beach and get yelled at and your children frightened?

Like Ranger Belesky said, "Nobody wants to go back to the futile old days."

We only hoped the City and animal rights "Blackfish' artists will stop there, but the NMFS Public Relations Department continues its campaign to claim human proximity kills baby seals, and sea lions now too. I still make regular photo tours of the area recording release tag serial numbers on sea lions. I turn them in to NMFS Stranding Coordination and they think that is just fine, though you saw the NMfS headquarters defined my actions as criminal harassment that they are just don't have time to arrest me for.

We are getting a wave of new Sea World rehab releases coming around la Jolla. It is a month or 2 before pupping season really starts. Premature stillbirths have begun which is perfectly normal. I have attached four pictures I took of such. These will be used, as such were used at the Children's Pool, to claim they were caused by stress of human proximity and mother sea lions abandoning the pups in the face of human harassment. What else could explain it? Take a look, feel the impact and know how the lie was so effective to vilify families visiting the Children's Pool and how well it will work again. Anywhere they want.

Will the Commission have the conviction to stand up for citizen access this time knowing the truth about what happened? Only the Staff lets them know it has the options.

John Leek

3090 Admiral Ave,
San Diego, 92123









Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com May 15, 2019

To California Coastal Commission staff public input on Children's Pool public closure renewals.

Ref: The Federal NMFS has no authority in the Coastal Zone concerning marine mammal management and the Coastal Commission can only grant permissions, if San Diego wants it.

Five years ago the Coastal Commission was challenged to uphold San Diego's right to close and cordon off a public beach. Unlike the old Seal Rock Reserve, this time Fish and Wildlife was not consulted to require access for fishing rights. NOAA had advised the City and Commission that unless California applied for Management Authority for harbor seals such a legal closure could be in conflict with the federal requirement no state laws can be enforced or attempted to be enforced concerning the take of marine mammals. San Diego had already ignored the MMPA for years and so was not worried. Because the permit comes before the enforcement, the CCC would take the initial hit.

California could not apply for management authority for harbor seals because first it would have to prove the California harbor seal population was above OSP, that is, had attained maximum net productivity level. Ironic, because as I showed in my May 1 letter. NOAA had deleted data in their SARS population surveys to disguise the fact California harbor seals had gone past OSP about 1985. There was no barrier.

Things are different now. A Superior Court appeal held that the Coastal Act is a separate legal system, not subject to review by other legal entities, certainly no out of state agencies with their Marine Mammal Protection Act. Just as ICE agents in California do not have authority outside their federal role.

Unfortunately, the Coastal Commission is ill equipped to impose anything on San Diego or any other City possessing a Local Coastal Plan (LCP). San Diego can cut its own permits unless challenged by someone who mounts a challenge in time, or sues under the Coastal Act. Then the Commission is to investigate its own procedures itself by asking for evidence from the perpetrator. This has happened several times concerning violation of access rights of citizens at South Casa Beach – the seal rookery the City failed to mention when asking for reserve status either for Children's Pool or the earlier actual reserve at Seal Rock. The enforcement officer asks the City about it and is assured the problem has been solved.

A few years ago I was with others cleaning whatever garbage was making the Children's Pool beach inhospitable to enter or sit down in. A complaint was lodged against us and the CCC Enforcement Officer notified the City that it was against the Coastal Act to remove wrack from a beach. She also enlarged the policy to include moving wrack same as REmoving wrack. Our local Ranger caught us the next day and notified us that combing the beach was considered a violation of the Coastal Act. We said, "OK, what now". He said he had no authority to enforce the Coastal Act and left. This is the same ranger charged with gathering the evidence to show the Commission the City has "considered means to clean the beach" at Children's Pool.

We would love to have an effective Coastal Commission to protect public access to our beaches in California. We do not know how to have one in San Diego. No matter who you are, you can't beat City Hall.

John Leek

3090 Admiral Ave,
San Diego, 92123

Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com May 17, 2019

To California Coastal Commission staff public input on Children's Pool public closure renewals.

Ref: A nearby sea lion rookery for public entertainment. Why California citizens need a guarantee no more beaches will be closed by the Coastal Commission.

Since the beginning of 2016 I have frequented the La Jolla area and taken over identification photos of rehab sea lion release tags for the NOAA Office of Standing Resources. Nowhere else have marine mammals gotten such a warm welcome as La Jolla, acclimating the animals so completely they ignore humans just like pesky sea birds. This year I have noticed a change in the population of tagged rehab sea lions.

I notate each different sea lion with Ind#, just a count number. Yesterday I recorded my 243rd individual out of 1700 photos. In the past I have seen some dozens of times but new individuals are showing up much more often now, faster than my mentors in Long Beach can send me the actual release data showing capture and release data and measurements. In this last month, making 10 trips, I have encountered 15 previously unseen tags. I am including my data to illustrate. The leftmost column contains "needs data" whenever I encounter a "newbie" and need to ask for his release data.

This is a remarkable indicator of influx of rescued sea lions that were not supposed to happen. NOAA proclaimed the great starving sea lion invasion called the "unexpected Mortality Event" (UME) of 2013 was supposed to be over in 2016. (A declared UME releases emergency federal funds under the Marine Mammal Protection Act)

The data trend shows our sea lions in La Jolla are grossly underestimated. Official counts in day-time 2 years ago averaged 100 animals. When I recently did a night count with a spot light I tallied 400. The point is La Jolla Cove area is not a unique tiny enclave of depleted animals, any more than Children's Pool ever was. It an oasis for wayfaring animals to visit at in their travels, known for its hospitality and absence of predators.

Data for the last month on La Jolla sea lion tags.

Date	tag	Location	Rescue	Ind #	
4/17/19	W2535	Nomans	Sea World	217	
4/17/19	W2501	Boomer	Sea World	225	
4/17/19	W2534	Boomer	Sea World	229	
4/17/19	W2539	Boomer	Sea World	224	
4/17/19	W2580	Nomans	Sea World	230	need data
4/21/19	W2506	Nomans	Sea World	203	
4/21/19	W2529	Boomer	Sea World	226	
4/21/19	W2768	Boomer	Sea World	188	
4/21/19	W2779	Boomer	Sea World	198	
4/21/19	W2501	Boomer	Sea World	225	
4/22/19	W2518	La Jolla Cove	Sea World	231	need data
4/22/19	W2580	Nomans	Sea World	230	
4/22/19	W2590	Nomans	Sea World	232	need data
4/22/19	1661V	Boomer	Sea World	233	need data
4/22/19	W2546	Boomer	Sea World	234	need data

4/23/19	W2546	Boomer	Sea World	234	
4/23/19	W2590	Boomer	Sea World	232	
4/23/19	W2979	Nomans	Sea World	235	need data
4/23/19	W2529	Boomer	Sea World	226	
4/23/19	W2548	Nomans	Sea World	236	need data
4/24/19	W2535	Nomans	Sea World	217	
4/24/19	W2521	Nomans	Sea World	237	need data
4/24/19	W2590	Nomans	Sea World	232	
4/24/19	W2539	Boomer	Sea World	224	
4/24/19	W2388	Boomer	Sea World	109	
4/24/19	W2546	Boomer	Sea World	234	
4/24/19	W2501	Boomer	Sea World	225	
5/1/19	W2491	Boomer	Sea World	239	need data
5/1/19	W2779	Boomer	Sea World	198	
5/1/19	W2388	Boomer	Sea World	109	
5/1/19	W2529	Boomer	Sea World	226	
5/5/19	W2768	Nomans	Sea World	188	
5/5/19	W2593	Boomer	Sea World	238	need data
5/5/19	W2539	Boomer	Sea World	224	
5/5/19	W2590	Boomer	Sea World	232	
5/5/19	W2511	Nomans	Sea World	222	
5/5/19	W2561	Bluffs	Sea World	239	need data
5/10/19	W2591	Boomer	Sea World	208	
5/10/19	W2535	Bluffs	Sea World	217	
5/14/19	W3874	Boomer	MMCCLA	240	Marine mammal care center Los Angeles
5/14/19	W2791	Boomer	Sea World	192	
5/14/19	W2427	Bluffs	Sea World	115	
5/16/19	C044	Boomer	unknown	241	need data
5/16/19	W2521	Boomer	Sea World	237	
5/16/19	W2511	Boomer	Sea World	222	
5/16/19	W2590	Boomer	Sea World	232	
5/16/19	W2594	Boomer	Sea World	241	need data
5/16/19	A1806	Boomer	Sea World	242	need data
5/16/19	W2572	Pt la Jolla	Sea World	243	need data
5/16/19	W2768	Pt la Jolla	Sea World	188	

John Leek

3090 Admiral Ave,
San Diego, 92123



No he is not dead, he is ignoring you. Sea lions learn to ignore what does not concern them. Coming soon to a beach near you.





April 21, while looking for sea lions showing tags. I found 5.



Moving on down the beach, you can see why NOAA wants San Diego to regulate urban marine mammals; better yet, all of California. If the Coastal Commission agrees.

Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com May 17, 2019

To California Coastal Commission staff public input on Children's Pool public closure renewals.

Ref: Opening day at the Children's Pool. The rope barrier works – public access close to zero. Eye witness account.

Yesterday I exercised a City permit to have a "Free Speech T-shirt sale table" at the Children's Pool on opening day for the public. After the sun came out people began to arrive from all over. I came to swim In supposedly contaminated water as I have done perhaps more than anyone in town. I am healthy in spite of it, showing the City is correct in its assertion its testing methods show there is no need to spend money or effort to "clean up' the area. One just has to ignore the County Health warning signs. The City did not put them there.

The rope installation does not satisfy its permit requirements as there is only one explanatory sign posted this season. I can attest more signs would not decrease its effectiveness as the "visual deterrent" the Commission approve many years ago. When I emerged from the water a fellow called me from behind the rope and asked if I had a special permit to swim with the seals. I said "No, this all an open public beach and anybody can cross this rope because it has no legal meaning". He was glad to hear that, but stayed on his side of the rope as did everyone else.

When asked about rules, I told people they can go anywhere; but should any seal look at you; stop until it relaxes again, lies back down, or you might disturb the lot of them. I demonstrated once, walking toward the group, stopping until they all quit taking notice, advancing again, 3 times until I was at my personal preferred limit; 20 feet. I would have preferred to have our designated ranger there to check with. Maybe some other day.

The good news is the rope barrier prevents most people from even going down the stairs. Through the day, the sidewalk and sea wall were visited but the beach was empty. Maybe also because the beach was littered and filthy. Luckily my wetsuit doubles as hazmat protection gear.

Just north at Shell Beach tourists ignored posted warnings of the dangerous rip current there and frolicked in the rocky shallows. I participate in the Council of Divers program where divers are taught about that rip current so I know just what it can do.

I have attached pictures, including photos of our sea lion rookery just north where there is no rope, no warning signs, nobody to yell at you, and people can enjoy the young sea lions that have never known fear of man in their lives. For now. As long as the City chooses not to close off that unofficial tourist attracting rookery. That can still happen, should it start costing more than It brings in. Or the Department ever samples the area.

John Leek

3090 Admiral Ave,
San Diego, 92123









Shell beach, a clean public beach where the public feels welcome.

From:	John Leek
To:	ChildrensPool@Coastal
Subject:	Whether the Commission controls the holder of an LCP or the other way around.
Date:	Friday, May 17, 2019 7:02:44 PM
Attachments:	To Coastal Commission on extending the rope.docx

It would seem unfair for me to doubt the will of the Commission office to contain San Diego's lust for decreased costs and increased tourism at the expense of the core purpose of the Coastal Act. I regret if I implied disrespect, but I can explain. I have been at this a long time.

The City is now delaying Planning Commission review of the unpermitted blocking of the historic access route down the old pedestrian/vehicular ramp to Children's Pool Beach until after the closure permit is in the bag. Restoring that historic access should be mandatory even if for the 7 months citizens and their children are supposed to be able to use their beach.
Acquiescence from the Coastal Commission to prevent access down that ramp is not new. The Commission had nothing to say when the City first installed a rope barrier in 1999 and did not require a permit until 2003. When the City closed and locked the gate at the access ramp is not exactly known. Beach users who found the narrow stairs were easily blocked by anti-access activists sought to get the gate opened again as a violation of the Coastal Act that had been undeservedly "grandfathered" without deliberation. A way past the bullies was needed.

By 2012 we had a new mayor determined to maintain a base of single issue voters by ending public access at the Children's Pool without regard to law. This began a feud with the City Attorney. Just before that I was trying to get the local staff to assert its power to protect citizen beach access in spite of local politics, by the simple act of unlocking a gate. I have attached a summary letter of complaint at that time, to Lee McEachern who was stonewalling the assertion then. Lee is long gone now, as is Mayor "Handyman" Filner, forced from office after 14 months in office. Most all of the local staff from that time have gone on. If I have been unduly influenced by the past, I will find out within a month.

Please place this email and its attached letter into the Children's Pool public file to be considered by both the Staff and hopefully the Commissioners themselves. Seven year later it is still timely.

John Leek
3090 Admiral Ave
San Diego, CA 92123

Jan 2, 2012

Lee McEachern:

California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive Ste. 103
San Diego, CA 92108-4402

cc. Deborah Lee, District Manager; Jennifer Lucchesi, Executive Officer SLC; Lisa Haage, Chief of Enforcement; Marsha Venegas, San Diego Enforcement Officer; Patrick Veesart, Southern California Supervisor

Re: Your statement to the press and granting San Diego immunity for violation of a permit.

Our Mayor decided to unilaterally and verbally amend a Coastal Permit on trusted public tidelands with no regard to land use procedures, laws, or the accompanying Local Coastal Plan. There was no emergency permit and no written record of any amendment, but only his say-so. He redid the configuration of a permitted structure while declaring that what was written and approved was not valid and could be replaced with his preferred physical configuration as he saw fit. http://www.lajollalight.com/2012/12/27/mayor-extends-length-of-pupping-season-rope-at-la-jolla-children%E2%80%99s-pool/

And you were quoted: *"According to CCC District Regulatory Supervisor Lee McEachern, because the coastal development permit was issued by the city before the CCC was granted jurisdiction over Children's Pool, the CCC is not required to approve any amendments to accommodate the rope extension."*

Please consider this letter a complaint of violation and a request for corrective action to your District and to anyone who receives a copy.

Your ready statement of acquiescence strongly indicates the Mayor checked with the San Diego CCC office before proceeding. The truthful part of your statement is the CCC is indeed not required to take action in the face of any violations and can refuse to enforce the Coastal Act when it pleases. Your office has done this in the past concerning this beach. Examples are given later.

Once a permit is granted it is not then the property of the grantee to rewrite in his own mind. The municipality of San Diego is NOT the "people of the State" around which the Public Trust Doctrine was written. It is a financially challenged corporation that wants to rededicate its coastal land holdings to a more profitable use than public access. It has been stated many times and even in your own staff report

that replacement of people with seals makes a better tourist attraction and so brings money into San Diego. In staff report W10d July, you referred to that beach as "a major tourist attraction" and looking at seals its preferred use.

You have made previous statements, that at this beach, the Coastal Commission has no jurisdiction at all above the high tide line, as if you never had heard of the Coastal Overlay Zone. As a State Agency, policy decisions such as you make for your district are for the entire State, not just one place where the well connected want special treatment. You intervened to prevent the investigation of complaints of locking an established public access route (the 10 foot wide access ramp the City has locked with no permit and left to ruin). Again, you are correct that the Coastal Commission is not required to respond to violations if does not care to. I am only stating it is a bad and dangerous policy to practice. Note that our City Attorney had just published a legal opinion on Dec 24th, stating the CCC had every reason to penalize the City for doing something like this and further, "Any party may bring a cause of action to restrain violations of the Coastal Act and would be entitled to attorney's fees if successful". Your actions help put the San Diego in legal jeopardy. Coastal Permits are law and if laws are found to have been carelessly written they are changed in text through judicial process, not by fiat, no matter if the City and your office find the required processes inconvenient.

Your argument that the Rope Permit is an existing City Permit and not subject to Coastal Commission jurisdiction or enforcement throws away legal powers of the Coastal Act not anyone's to discard. When your office decided to take full jurisdiction of every part of Children's Pool beach, it was not "granted" then. It was a realization all the area had always been historic tidelands and so had always been CCC jurisdiction. The coastal permit for the "temporary advisory rope barrier in perpetuity" had been approved in a CCC hearing, not a City hearing. It was, just as it was written. Nobody added "*Oh, and the included maps and diagrams are also only guidelines*". If the structure placements are solely the province of the permit holder and only unimportant numbers, then the 6 months periodicity that made it "temporary" are advisory numbers as well. Will you allow the Mayor to consider the placement better made 12 month instead of 6? They are only numbers. Likewise, you set him free to move the rope to eliminate the pesky 3' opening completely, without asking.

There is more legal jeopardy involved. The City is facing a lawsuit over violation of the 1931 trust requiring convenient access to that beach. The State was also named but succeeded in a demurrer by claiming this was City action to restrict access, not State. Deliberate withholding pursuit of law by the Coastal Commission will put the State back in that case. When the Coastal Commission was considering the request by the City to make the rope a permanent year round structure, your staff report took care to include the condition the City would pay any legal fees resulting from granting the permit. This was a special condition, not a standard requirement found in the header somewhere. No other proof need be offered that your office knew that rope barrier permit was legally questionable. That was confirmed later when the City Planning Commission unanimously rejected it (twice) as an encroachment not allowed by our Local Coastal Plan.

In May 2012, I wrote to your office in file 6-11-078 concerning an amendment Parks and Recreation wanted to make to its proposed year round rope barrier to extend the rope length. You did not tell the

City not to worry, “The length can be changed anytime”. You had to reschedule the hearing for more time to analyze in the face of the importance such a change would be. When the City first submitted its application for a year round forever rope barrier, your office had to send it back for more information and justification twice. The justification you got were the transcripts from the City Council of 5/17/10 resolving to request an emergency permit for a year round rope. That failed to pass legal scrutiny as an emergency, and so it was made a normal permit application. The resolution in those minutes mentioned no opening. The original intent of the City was a rope barrier, period, without an access opening. If you wish to allow the City to “correct an oversight and restore the intended…”, note the oversight was when the Coastal Commission accepted a CDP unlike what the City Council intended. The Coastal Commission committed further oversight in not following its own policies to require a 10’ minimum public access in a new development. Giving absolution to a corporation to rewrite a coastal permit in invisible ink is not correcting any oversight, just purposeful dereliction of duty.

EXAMPLES: You have intervened in the past to stay the hand of Coastal Act enforcement on that beach. In 2008 I submitted a formal complaint with documentation to your district office about the City locking the gate to a historic access found in the Local Coastal plan. I submitted the same information in 2010 to your officer of enforcement. You stepped in and quashed the investigation, not claiming I was wrong, but that the CCC had no jurisdiction above the high tide line. Only in this place would you ever make such a claim. No officer of the Coastal Commission before or after has maintained the holder of a Local Coastal Plan can craft unwritten permits for itself in the Coastal Overlay Zone.

In that same year the City Attorney had caused a rope barrier to be installed without any permit. He declared verbally he had emergency powers to do so. He violated Coastal Act in that way and doubly because there was a pending appeal. At least that is what you told me and mentioned it in passing in the staff report later concerning that appeal. You did touch on the fact it had been a violation but wiped it away in the same stroke as irrelevant to the hearing. In 2010 our same City Attorney advised the Mayor he should not try to put up a rope barrier on an emergency permit because such would require his submission of findings to the Coastal Commission that could not be made. He documented the illegality of his own previous actions which you whitewashed in your staff report to the CCC on the matter.

I do not mean to blame you personally for all this. You have your orders.

Cheers,

John Leek

Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com May 25, 2019

To California Coastal Commission staff public input on Children's Pool public closure renewals.

Ref: For Commissioners to read, as only they can stand up to San Diego's land grab.

The Coastal Commission faces one of the greatest challenges it has ever seen. San Diego has pioneered new ways to take back fiscal and administrative control of local coastline; to claim it as its own property to be utilized for profit as a land asset, mis-using the Coastal Act itself. Other towns will take note as seals and sea lions spread into urban areas. Citizens of California have trusted the Commission stand up against wealthy coastal property owners, special interest groups, developers that want to blockade the coast for profit, and local governments that cater to them. That only works when Local governments are part of the solution, not of part of the problem.

The fatal weakness in Coastal Act enforcement 5 years ago was seen when the Commission could only impose voluntary assessments of the City's own actions. For instance, "To consider feasibility of cleaning the sand", is to ask whether San Diego would rather like to try something different than the hard fought draconian control by closure it had obtained. San Diego already had "considered" such when it fought a court order to clean the sand and restore the beach to public use from 2005 to 2008. Of course such was doable; but not "feasible" as there was no budget nor advantage in it. Same as today. Any disagreement CCC staff might have with City conclusions, can only be investigated by asking San Diego if it really felt its answer was adequate. That is what happened. Pathetic; not the staff's fault. Systemic.

In the decade since the breakwater sluiceway study, something changed. This last rainy season brought water down the old access ramp and drew sand down though one of the old sluiceway openings. I have attached photos of the sinkhole showing at least one sluiceway is not blocked, except by sand captured by the sea wall. The City was not obligated to look at where sand was flowing through a "plugged" sluiceway so I volunteered to excavate the with shovel and bucket and any other volunteer labor I could find. Lest a secret be revealed, Park and Recreation department obtained an advisory from Commission staff that such would be an unpermitted project and so forbidden. The Staff had no choice but to accept San Diego's request to prevent investigation; because San Diego has the Local Coastal Plan. Whatever the holder of a Local Coastal Plan offers is evidence; whatever anybody else says is hearsay. Investigation into claims about permits under an LUP are only directed to the applicant.

The Coastal Commission depends on local governments to self-govern through Land Use Plan that include the constitutional guarantees of citizen shore access and the value of trusted tidelands to be protected for State and public benefit. The Coastal Commission must protect the actions of the holders of ratified Land Use Plans. Closing off and driving the public from a beach to convert it to an animal display unfit for public use even when open, should not be possible. But the Coastal Commission reluctantly had to let it happen 5 years ago. It had to accept San Diego's every excuse to let it happen, and give San Diego permission to ignore federal law, where federal law did not recognize San Diego's claimed right to treat marine mammals as valuable San Diego assets, by being on San Diego property.

The citizens on the ground have lost. We want an effective Coastal Commission to protect public access to our beaches in California. We do not know how to have one in San Diego. You can't beat City Hall. The Coastal Act works where the unlanded and unprivileged hold sway by their numbers, forcing their Local Governments to honor the constitutional right of public access to the shore for all citizens. We still hope the Commissioners can see past San Diego's tricks and assert the real intent and purpose of the Coastal Act.

John Leek San Diego, 92123

Subject: FW: Digging a hole for myself
From: "Daneri, Daniel" <DDaneri@sandiego.gov>
Date: 5/20/2019, 11:09 AM
To: John Leek <jleek001@san.rr.com>
CC: "Belesky, Richard" <RBelesky@sandiego.gov>

John,

I just spoke with the CCC and it sounds like the scale of your proposed work will require permits before it can be done. It sounds like you are planning an excavation over several days and this is not normal beach play with shovels and buckets so please discontinue any plans you have to check this area.

From: John Leek <jleek001@san.rr.com>
Sent: Saturday, May 11, 2019 1:17 PM
To: Daneri, Daniel <DDaneri@sandiego.gov>
Subject: Digging a hole for myself

I appreciated you taking time to confer about the letter of recommendations I had been assigned to bring to your office from La Jolla Parks and Beaches advisory board.

I wanted to ask a different question. After May 16, the Children's Pool beach will be open to the public as far as P&R is concerned.
During the last rains an odd water erosion pattern caused a sink hole by the sea wall, south end. I believe members of the public should be able to take shovels and dig down to investigate then. After checking that odd sand flow, the hole must be filled back in again, leaving the beach unmodified. I know of no legal barrier to temporarily moving sand on a beach, no requirement for right of entry or anything.

But I wanted to check with you.







From:	John Leek
To:	ChildrensPool@Coastal
Cc:	Ken Hunrichs
Subject:	May 26 Internal City Document the CCC never got to see
Date:	Sunday, May 26, 2019 5:42:32 PM
Attachments:	Letter internal to City Development Services over 5 years ago .pdf

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Please accept the attached letter that came to the San Diego Development Services in 2013, meant to show cause the City could not justify pursuing the original Children's Pool closure under the Coastal Act.

Everything noted is still true today. When it came to City Development Services, that body could only forward it to Park and Recreation dept to be tossed.

Nothing like that letter ever was seen by the Coastal Commission. Until perhaps now.

From: McPherson, Anna
Sent: Tuesday, May 28, 2013 7:44 AM
To: Zirkle, Chris
Subject: FW:

One more.

-----Original Message-----
From: Philip Miller [mailto:parmil@cox.net]
Sent: Monday, May 27, 2013 9:06 AM
To: McPherson, Anna
Cc: Dye, Morris
Subject:

May 26th, 2013

Anna McPherson
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101
PROJECT: CHILDREN'S POOL CLOSURE PROJECT NO,. 225045 Dear Ms. McPherson,

My name is Philip Miller. I am a U.S. Navy veteran, residing in San Diego, principally, since the 1970s. I have taught scuba diving independently since the early 1980s, and raised 3 children here. As someone intimately familiar with the Children's Pool area of La Jolla, I comment as follows, on the current typically reckless and poorly thought out San Diego City Draft Negative Declaration referenced above:

I have carefully considered the claims made in the Draft Negative Declaration and object to this project proceeding without a true evaluation of the impacts of this project. There is a deep sense of community stewardship in this landmark location developed over the 82 years since its construction that must be honored and protected. The relatively recent arrival of Harbor Seals does not change the community's desire to protect the pool for the intended human uses. I strongly disagree with the City's claim there are no significant negative impacts. that this area will be negatively and widely impacted by amending the Local Coastal Plan and the La Jolla Community Plan to apply an ESHA designation to this beach. This is a misdirected shortcut to the creation of a display zoo in a children's playground through beach closure.

The City cannot create an Environmentally Sensitive Habitat Area [ESHA] where none exists. The landforms and tidelands of Children's Pool underwent extensive modification and degradation by the construction and creation of the seawall and pool in 1930 and 1931. A bathhouse and lifeguard tower has been built in the succeeding years. A beach access ramp was graded into the original bluff to create an additional access to the beach for people who have difficulty using stairs. The beach was maintained in pristine condition for most of its existence by the City of San Diego policy to make a safe place for children. The environmental impact and degradation has now been followed by the unintended accumulation of excess sand in the pool because the seawall sluiceways were permanently closed and the City's neglect of regular beach maintenance. The area is ineligible for designation as an Environmentally Sensitive Habitat Area [ESHA] simply because of the use by Harbor Seals. The natural tidal flushing of animal waste has been prevented by the closed sluiceways and the waste overload by an ever increasing population of Harbor Seals. The area cannot be considered a natural habitat for animals even though they have occupied the area since Sea World engaged in a program of relocating

captive, human habituated Harbor Seals to the Children's Pool area from 1993 to 2004. To further create an unbalanced ecosystem through the artificial protection and forced beach abandonment would compound the environmental impact started through the concentration of Harbor Seals in La Jolla. It is time to unwind the damage done to the marine resources of the area and stop artificially encouraging the overpopulation of one species to the degradation of others. Let us promote the return to environmental balance, which is nature's default condition, without further human interference. The people of the State of California have devoted enormous resources and energy into creating Marine Protected Areas to assure the recovery of fisheries in the San Diego County area. Two such MPA's are located on half mile north and one mile south of the Children 's Pool. During the extensive deliberations about the size and boundaries of the MPA's, Children's Pool was specifically excluded from consideration because of the protected status as a human use beach.

There are no provisions for monitoring and managing the artificially created habitat values if this project were to be undertaken. Unknown native and non-native species potentially could diminish the protections intended in the nearby Marine Protected Areas established to enhance the marine environment. This likely impact has not been addressed or potentially mitigated in the City's Draft Negative Declaration. A full environmental study should be initiated to determine the impact of this proposed marine mammal reserve so close to the Marine Protected Areas.

Children's Pool State Tidelands Trust, recently restated in Senate Bill 428, signed into law effective January 1, 2010 requires protection and accommodation to all the uses enumerated in the Trust. Recreational use and marine mammal uses of the beach are given equal weight in the administration of the obligations to the terms of the Trust. The City of San Diego, by attempting to convert parkland, playgrounds and a bathing pool dedicated to use by children into a seal reserve is once again attempting to breach its fiduciary obligation to administer the Trust for the intended beneficiaries of that Trust. The deliberate exclusion of the marine environment around Children's Pool when the MPA's were considered was intended to protect the designated use as a shared use beach for human and seal viewing activities. No other conclusion about the intended uses of the area can be reached with the plain language of SB428.

If an endangered or threatened species were to begin nesting or colonize the beach area during the forced abandonment period, it would undoubtedly further complicate the City beach management problems. Such species of shorebirds are known to occur in the La Jolla area and will likely colonize any abandoned beach. A conflict could occur between a federally protected marine mammal and the endangered or threatened bird species that both use sandy beach areas. The likelihood of use and occupation by threatened or endangered species has not been examined or even mentioned in the City's Draft Negative Declaration. Currently, the City is struggling to resolve a major human health and safety issue resulting from bird colonization of the closed areas of the bluffs around the La Jolla Cove. It is an unintended consequence of blocking human access to the coastal bluffs and shoreline resulting in an accumulation of bird and Sea Lion waste. It has been over a year since the City was made aware of the potential health impacts of birds on Goldfish Point. As of today, the City has not resolved the issue and the risk to the health and welfare of human residents continues. Coastal development was undertaken to build fences and barriers to human access without required permits and environmental studies to determine the environmental impacts to the area surround the Cove and Goldfish Point. This mistake should not be repeated at Children's Pool.

Environmental, historical, cultural and scenic values of Children's Pool closure have not been fully evaluated as required under CEQA Statues and Guidelines Chapter 2.6 §21084.1. This evaluation process requires an environmental impact study and has not been done. The California Coastal Act addresses the impact of overuse of any coastal area in the following
section:

Section 30220: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Children's Pool is a unique resource in California. It was dedicated and entrusted to San Diego for a Children's Bathing Pool through a State Tidelands Trust. As California's human population increases, demand is increasing for recreational

access to the coast even while large areas are being closed as Marine Protected Areas (MPA's). This project further reduces access to suitable lands and coastline for human use and is contrary to the intended use of this small beach. In both sections of the Coastal Act cited above, the resource is protected by the words "shall be protected" because of the limited resources suitable for this use and the unique nature of Children's Pool.
The basis for protecting coastal access in the California Coastal Act comes from the California Constitution in the following controlling section:

ARTICLE 1, DECLARATION OF RIGHTS
Section 25. The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and nolaw shall ever be passed making it a crime for the people to enter upon the public lands within this Statefor the purpose of fishing in any water containing fish that have been planted therein by the State; provided, that the legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken.

Judge Pate in his August 25th, 2005 decision in the O'Sullivan v. City of San Diego case (partially quoted below and re-affirmed by Judge Hofmann's
ruling) cites several reasons why the Children's Pool must be returned to human use. The imposition of a "marine mammal park" to the amended Trust does not relieve the City of San Diego to act on behalf of the intended beneficiaries of the 1931 Trust or the amended Trust. The people of San Diego still have a place at the Children's Pool in despite all the City's attempts to ignore its legal obligations to maintain this public park and bathing pool.

1. Children's Pool is not a "natural" condition. It is a man-made, artificial condition, which was entrusted to the City for specific uses and purposes. The City has knowingly declined to remove sand from the Pool, even though the sand has reached the point where the Pool in reality cannot be used for its intended purpose. Although the City has approved requests to study the removal of the sand, even as recently as September of 2004, it has consistently failed to remove the sand that has been building-up for the last 70 years.
2. The presence of unhealthy levels of bacteria from seal feces in the pool water has been consistently left un-addressed by the City. The substantial increase in the number of seals using the Children's Pool seems to have some relationship to the actions or inactions of the City. The creation of the Reserve in close proximity to the Children's Pool and the release by Sea World of rehabilitated harbor seals in the kelp beds off-shore of the Pool, seem to have contributed to an increasing number of seals using portions of the Children's Pool in the mid-1990's. The City's decision to separate the seals from humans and then closing off the Pool to humans, likewise appears to have encouraged the seals to occupy more and more of the beach with ever increasing numbers.
3. The occupation of the Children's Pool does not seem to be a "natural"
phenomenon. According to the evidence at trial, Children's Pool is the only public beach in California that has been taken over by seals. The City was warned in 1997 that if it did not discourage the seals from hauling-out at the Children's Pool, the number of seals present at the Pool would greatly increase. In response to the situation, the City put up barriers to keep the public out of the Pool area. To date, the City has taken no steps to reduce the level of pollution at Children's Pool.

It is worth repeating one of the significant findings in the O'Sullivan Case here:

"The next biggest cause of actual or constructive closure of the Children's Pool was the City's decision to erect a rope barrier cutting off public access to the Pool. On March 29, 1999, the City Council rejected the City Manager's recommendation to dredge the Pool and restore the Pool to the uses set forth in the Grant, and instead voted to rope off the Pool. In doing so, the City breached its obligations under the Trust, as trustee of the Children's Pool. Instead of returning the Pool to its original and safer configuration and also rectifying the unhealthy condition of the water and sand at the Pool, the City barred the use of the Children's Pool as a "public park, bathing pool for children…. and [use for] playground and recreational purposes," as expressly required by the 1931 Trust."

That same requirement remains today, even after modification of the Trust in 2010.

San Diego City Charter Section 55 requires a citywide public vote to convert parkland to any another use. The proposed seal habitat designation creates a reserve not authorized in the City Charter without such a vote.

The La Jolla Community Plan and certified Local Coastal Plan were carefully crafted by the community to protect coastal resources, including recreational use of the shoreline. No action or regulation was ever contemplated to block human access to any part of the shore in La Jolla no matter the circumstance. The wholesale overturning of the community plan, to create an ESHA where is doesn't exist, would violate every concept of community stewardship to coastal resources. It forces the abandonment of a public beach at Children's Pool created explicitly for human use and enjoyment without justification or research to back up the claimed need. The proposed amendment to the La Jolla Community Plan and LCP is not a minor adjustment but is completely contrary to its intent. Children's Pool is repeatedly mentioned as one of several beaches where coastal access must be enhanced. Beach access is not enhanced by closure.

This project has "Potentially Significant Impact" to cultural values.
Children's Pool was featured in 1949 National Geographic article highlighting the sport of goggle fishing (spearfishing) which originated in the United States at Children's Pool in La Jolla. Historic use by families, fishermen and children for whom the pool was built, will be denied without consideration or mitigation. Closing this historic beach and causing traditional uses to be done elsewhere will have significant impacts to the Children's Pool site itself and the limited surrounding areas suitable for that use. The misleading rope barrier at Children's Pool strongly conveys the illusion of closure of the Children's Pool. The City seeks to continue this encroachment year round without scientific justification or basis in fact. Harbor Seal pupping season at this latitude has a well-defined but limited date range and yet it has been extended to year round status with no scientific study by the imposition of a rope barrier placed year round. The placement of the rope barrier has already heavily impacted nearby parkland at Scripps Park and the La Jolla Cove even during the low beach use season in winter and spring. The impact will be even greater during the summer and fall months.
Swimmers and divers have traditionally used Children's Pool as a safe location for ocean access for decades. They have been forced to use the La Jolla Cove instead as the only other protected and safe ocean access. This shift has impacted the La Jolla Cove negatively as the facilities there are overrun.Fishermen have been excluded from the La Jolla Cove for decades after the creation of an ecological preserve in La Jolla Bay. That leaves the one remaining sheltered ocean access point at Children's Pool. If the Children's Pool were to be closed it would cause a significant impairment to fishing rights and public safety when spear fishermen are not allowed through the safe access at Children's Pool. A thorough environmental impact study, would confirm this negative and potentially significant impact on the La Jolla Cove. The City's Draft Negative Declaration does not address the foreseeable impacts created at the cove. The following quote from the City of San Diego's 2009 Beach Dredging Environmental Impact Report for DSD Project 71362 is telling. The environmental study recognized the impact of beach closure by considering the impact to recreational use at the Children's Pool. Although the closure never occurred,the impact was determined to be "potentially significant" in the conclusions of that study. Now, under the current Draft Negative Declaration, the change of status to close the beach is excused as having no significant impact. It cannot be both. The City's own EIR declared significant impacts of beach closure in the 2009 beach dredging EIR.

It is generally accepted that the California Sea Lion population has increased to historic levels and Pacific Harbor Seals are also nearing that level of recovery throughout their range. Increases in the local pinniped population should be reexamined, before creating a reserve to bring even more impacts on the local fisheries. The kelp beds off La Jolla are a productive and popular commercial and recreational fishing area. The creation of a Harbor Seal reserve nearby will have an undetermined but likely substantial impact. The attempt to bypass required environmental impact studies by the City of San Diego clearly shows the City wishes to ignore obvious and documented impacts on fisheries by encouraging an ever increasing number of seals on Children's Pool Beach.

Since passage of the MMPA, seals and sea lions have been afforded protection from disturbance, harassment, and killing, thereby allowing them to occupy areas from which they would have been removed in the past. The result has been direct conflict between pinniped and human use at public and private beaches, public marinas, and private docks, and involves landowners, vessel operators, and Pinniped interactions with humans also have expanded into the freshwater environment as pinniped occurrence in bays and upriver has increased. California sea lions have been observed more than 145 miles up the Columbia River at the Bonneville Dam and have interacted with sportfishers throughout the river. In the Willamette River, California sea lions haul-out on docks in the Portland, Oregon metropolitan area and prey on spring chinook and steelhead at the fishway at the Willamette Falls.
Reports of California sea lions occurring far inland from the ocean are increasing in other areas such as the Nisqually River and Chehalis River in Washington and up the San Francisco Bay Delta as far inland as Antioch.
California, reports of problems with sea lions and harbor seals have been received from harbors in Humboldt Bay, Noyo River, San Francisco Bay, Santa Cruz, Monterey Bay, Redondo Beach, and San Diego. In Washington and Oregon, problems with California sea lions are commonly reported in harbors in Puget Sound, Washington, and in Astoria and Yaquina Bay, Oregon. Most problems reported are caused by California sea lions hauling-out on docks and boats. California sea lions have prevented owners from accessing their boats, boats have been fouled, and the weight of animals has damaged docks and small boats. Some small boats reportedly have sunk from the weight of the animals. Fishers at Cape Arago in Oregon frequently report California sea lions jumping onto their vessels and stealing bait. Sea lions also have been reported to have bitten people carrying fish and taken fish laid out on docks. The number of California sea lions hauled-out on Pier 39 in San Francisco increased from 6 to nearly 500 between 1990 and 1994, with a high of 627 in 1991. The City of San Francisco finally "gave up" the pier to the sea lions, as animals reacted aggressively when humans attempted to remove them.

Another indirect effect of increasing pinniped populations on human safety is the possibility of an increase in the number of large sharks that prey on pinnipeds. Although there have been a number of media reports that increased attacks on humans by the great white shark (Carcharodon carcharias) are related to an increase in the shark populations caused by increased numbers of pinnipeds in coastal areas. In north SD county we experienced the 1st white shark fatality in more than 60 years, a couple years ago. We divers now see so many 7 gill sharks, unobserved prior to 2009, there now exists a web site devoted to recording their may local sightings. These are animals that have been observed biting a 5' leopard shark in half, in one of the Oregon State Aquarium exhibits. In reserve areas off Santa Cruz Island, where Pinnipeds are plentiful, I have witnessed several dead and decapitated sea lion bodies. Similar evidence of shark attack have been recorded among the Harbor Seal population at Children's Pool.

The La Jolla Community Plan and LCP recognize the importance of the coastal dependent resources as water based sports and recreation. Access to the water is required for many forms of coastal dependent recreation and as such, the access component to the shoreline at Children's Pool is given a high value. Taking that away that value through a process to declare an artificially protected beach created by a man-made seawall structure is not considering the value to the community. Public safety was the driving force to cause Ellen Browning Scripps to undertake the ten year process to design and construct the seawall to provide safety to less experienced swimmers and children in particular. Nothing has changed. The rough conditions found in La Jolla were tamed somewhat by the construction of the seawall. Public safety still requires the presence of lifeguards to protect human life. For too long, the consideration of human safety has taken a back seat to the emotional appeal of cute Harbor Seals at Children's Pool. Seals don't need the protection of the seawall nor do they need lifeguards to thrive. People do need those protections however and that should be the first priority of the City of San Diego to protect human life.
Far too many City officials have failed to recognize the role of the seawall in promoting and protecting human safety as part of the primary duty of government in managing coastal resources like Children's Pool.

It is a myth that coastal access is maintained during any time of the year when a "guideline" rope is stretched across the Children's Pool beach.
Coastal access is significantly impacted by any logical interpretation of the intent and effect of the rope barrier. That barrier effectively closes the beach to people who see a rope barrier across an entire beach. That rope is there for a reason and allowing coastal access past a rope barrier is not one of the reasons. The rope barrier, backed up with a full time Ranger telling people to stand behind the rope, completes the illusion of a closed beach. The placement of the rope

barrier and the actions of a Ranger, demanding compliance with the beach access restrictions by the City of San Diego, are improper and contrary to coastal access laws found in the Coastal Act and State Constitution. The pupping season rope is now in place year round to finally attempt to extinguish the people's right to ocean access all year long at Children's Pool. The all-out effort by the City to create an ESHA where it doesn't exist is illogical and contrary to the intent of ESHA designation. ESHA designation is intended to protect existing ESHA values and not to create those values where they do not exist. It is even more fictitious to claim the need to designate an ESHA at Children's Pool to protect a resource that needs no additional protection. An EIR would confirm the lack of CEQA review compliance and ESHA status.

"Of the 85 rookeries on and off the California coast, only two with historic human/pinniped interaction issues (Bolinas lagoon and Children's Pool), have no existing access restrictions."City of San Diego presentation to the La Jolla CPA, May 2, 2013.

The City claims Children's Pool is one of two historic pinniped interaction areas in the State of California lacking ESHA designation. The major issue the City overlooked is the protected recreational uses in an established Tidelands Trust area, The Children's Pool Trust allows a man-made artificial seawall to form a beach and protected swimming area dedicated for use by children as a park and playground. All the other areas with ESHA designation cited by the City are wild coastal areas far from close proximity to urban setting. This is not the case at Children's Pool where it is an artificial embayment created to protect human recreational activities. An undefined and undeclared Marine Mammal Park, added to the existing allowed uses at Children's Pool, doesn't create a sensitive habitat for the purpose of ESHA designation. No amount of desire to create sensitive habitat causes it to actually be so. ESHA designation is unwarranted because of the unique history and nature of Children's Pool. There is only one Children's Pool.
There are no other man made intertidal coastal pools anywhere in the continental United States created specifically for a children's park and playground. In other locations where man made tidal pools have been created, primarily in Hawaii and Australia, they are protected and managed for the intended use as a human recreational resource. As such, the Children's Pool has a great value as a coastal resource which no amount of hope and wishing and emotional investment in seals can change. Children's Pool is forever linked to the generous nature of Ellen Browning Scripps as a major figure in San Diego history. Her legacy is unique and special for the residents of San Diego. Scripps intent for the use of the Children's Pool are protected in State Law. The seawall structure and Children's Pool qualifies for State and Federal historical landmark designation by the undeniable association to Ellen Browning Scripps. The California Coastal Commission staff recently stated there is a dedicated user group (actual beach and ocean users as opposed to those visitors who just look at the ocean and
beach) at the Children's Pool and advised the City to not use ESHA designation to try to close the beach. They apparently recognize the incorrect application of ESHA to the beach at Children's Pool. The City should accept the advice or produce a study which shows otherwise. They have not done so. Harbor Seals on the other hand are distributed throughout California and in San Diego, are known to haulout at two other local sites on a regular basis. Throughout California there are hundreds of sites they are known to haul out and give birth. Nearby offshore islands provide a natural haul out and birthing sites where they are permitted to live undisturbed due to the remote locations far from urban development. While the presence of seals at Children's Pool is interesting and enjoyable, they are not dependent on the Children's Pool site to continue to thrive. They are not particularly valuable or rare as is required for ESHA designation. Minor disruptions to the seals have not been proven to cause any significant impact on their natural lifecycle. Noted Marine Biologist and Harbor Seal expert, Doyle Hanan, stated this fact in a declaration to the Superior Court in O' Sullivan v. City of San Diego that the individual animal or the species as a whole are not dependent on the continued use of Children's Pool. Harbor Seals are at or very near their Optimum Sustained Population (OSP) levels throughout their range. At Children's Pool they have reproduced beyond their resource base and are spreading to nearby beaches. Any claim they are significantly impacted by human interaction that occurs at Children's Pool, is demonstrably untrue. Their increasing number of successful births is telling. Every year many more seals born there than the year before. The mortality rate of Harbor Seals at Children's Pool is significantly lower that what is expected in the wild likely because of the artificial protection of the beach behind a man made seawall.
The claimed harm to the seal colony is fictitious and unsupported by facts.

The City of San Diego has obtained authorization to begin demolition and reconstruction of the lifeguard tower at Children's Pool. The Incidental Harassment Authorization [IHA] documents the lack of significant impact on Harbor Seals due to the construction noise/activity. Considering the high and unusual tolerance of these seals to human activity the December to May beach closure appears to be unnecessary since there has continued to be increasing numbers of Harbor Seal births at Children's Pool. The IHA goes on to state the following about the habituation of seals at this site:

Potential Effects on Marine Mammals
Behavioral disturbance may potentially occur as well incidental to the visual presence of humans and demolition/construction activities; however, pinnipeds at this site have likely adapted or become habituatedto human presence at this site. Large numbers of people come to the site to view the pinnipeds at all hours and they perform many activities that can disturb pinnipeds at other sites, but this often does not occur at Children's Pool as they seem to have habituated to human presence and associated noises (Hanan & Associates, 2004; 2011).
Takes of Marine Mammals Incidental to Specified Activities; Demolition and Construction Activities of the Children's PoolLifeguard Station at La Jolla, California.
https://www.federalregister.gov/articles/2013/05/03/2013-10529/takes-of-mari
nemammals-
incidental-to-specified-activities-demolition-and-construction-activities-of
#h-16

A common claim is made that the seals at Children's Pool attract "a million visitors a year" yet, nowhere is that claims supported by fact. The original estimate was based on lifeguard estimates of the number of people within their purview as they watched over the waters and general area in and around Children's Pool. Those estimated included visitors from Scripps Park to the north and to near Hospital Point to the south. Those estimates have never been verified. Nor were they correlated to the number of visitors seen in the area of Children's Pool or the actual number of people who were there to see seals. There is no data to make the claim of any specific number of visitors at Children's Pool to view seals. Economic value to the tourism industry by seal tourists therefore cannot be verified and any claim of such value must be disregarded until fully verified through an EIR.

Are the seals an incidental attraction to a visit to La Jolla with another purpose? That is unknown because there never has been an attempt to scientifically verify the claim. La Jolla has been a tourist destination for over a hundred years. The number of visitors has steadily increased as the ease of travel and quality of accommodations has improved. The true seal visitor has yet to be identified by survey and study. To claim most visitors to La Jolla are seal tourists is unrealistic and unverified. What is commonly understood is the demand for water related activities will increase with an increased human population in San Diego. Children's Pool Beach closure will cause significant negative impacts to current and future demand. No traffic, transportation, parking or public safety demands were considered to alleviate the likely negative impacts of creating a seal reserve in an urban setting.
An environmental study might give some credibility to any claim of economic benefit from seals only tourism. Since there has been only unsupported claims to a benefit, any claim of economic impact must be disregarded and never be used as a basis to convert one established land use to another without the proper study.
"The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources".
[City of San Diego presentation to the La Jolla CPA May 2, 2013]

The harbor seals present are only an additional resource but not the exclusive and preemptory resource they are made out to be. All uses at the Children's Pool, enumerated in the State Trust and protected in the State Constitution must be accommodated The significant coastal resource at Children's Pool is the unique and historic resource of the seawall itself which created safe conditions for human use at the pool.
with proper management.

The City claims conflict with the policies of the “division”(Coastal Act) which preclude the use of Children’s Pool for human recreation. There is no conflict. The thriving Harbor Seal population at Children’s Pool verifies the minor and temporary nature of human impacts to the seal colony.

Beach closure is a thoughtless shortcut; not proper resource management.

Please reconsider the Draft Negative Declaration and conduct a full Environmental Impact Study to determine the true impacts of closing Children ’s Pool beach.

Respectfully, Philip Miller

6317 Brooklyn Ave. San Diego, CA 92114

Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com May 27, 2019

To California Coastal Commission staff public input file on Children's Pool public closure renewals.

Ref: California public beaches are not the deeded property of LCP holders.
Their value is for the people of California, not to the bottom line of a mismanaged corporation like San Diego.

Five years ago, Commission staff was called on to accommodate a client. The LCP holder San Diego needed to make a public beach, trusted tidelands, into a fenced off animal viewing concession. Holding that beach open to the public had cost millions with no end in sight. Many sections in the Coastal Act would forbid closure for civic fiscal benefit, 30210, 30211, 30214(b), 30220, 30221, 30235, 30231 etc.

But section 30336 prevails.
"The commission shall, to the maximum extent feasible, assist local governments in exercising the planning and regulatory powers and responsibilities provided for by this division where the local government elects to exercise those powers and responsibilities and requests assistance from the commission.
The Commission was required to assist and cooperate with San Diego, using its regulatory powers in favor of San Diego's request.

This is the Achilles Heel in the Coastal Act. Animal Rights Activists had hit San Diego in the pocketbook, knowing its weakness. They were joined by Sarah Wan, a disgruntled ex-Commissioner who knew every procedural, legal and political weaknesses of the Commission (see attachment). Local staff was required to find a loophole for LCP holder San Diego and even let San Diego alter its LCP to suit. The tool at hand was 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Seals had been touted as a "lucrative tourist attraction" so were San Diego's "species of special biological or economic significance.". The seals' utility to "maintain healthy populations of all species of marine organisms" was not valid, nor was the ecological benefit of over-stocking predators next door to our oldest No-fishing Marine Reserve. But their "economic significance" was clear in a town living on tourism and needed that "lucrative tourist attraction". The seals ability to discern people were not predators and were willing to share habitat had created tourism profits but at unforeseen costs.

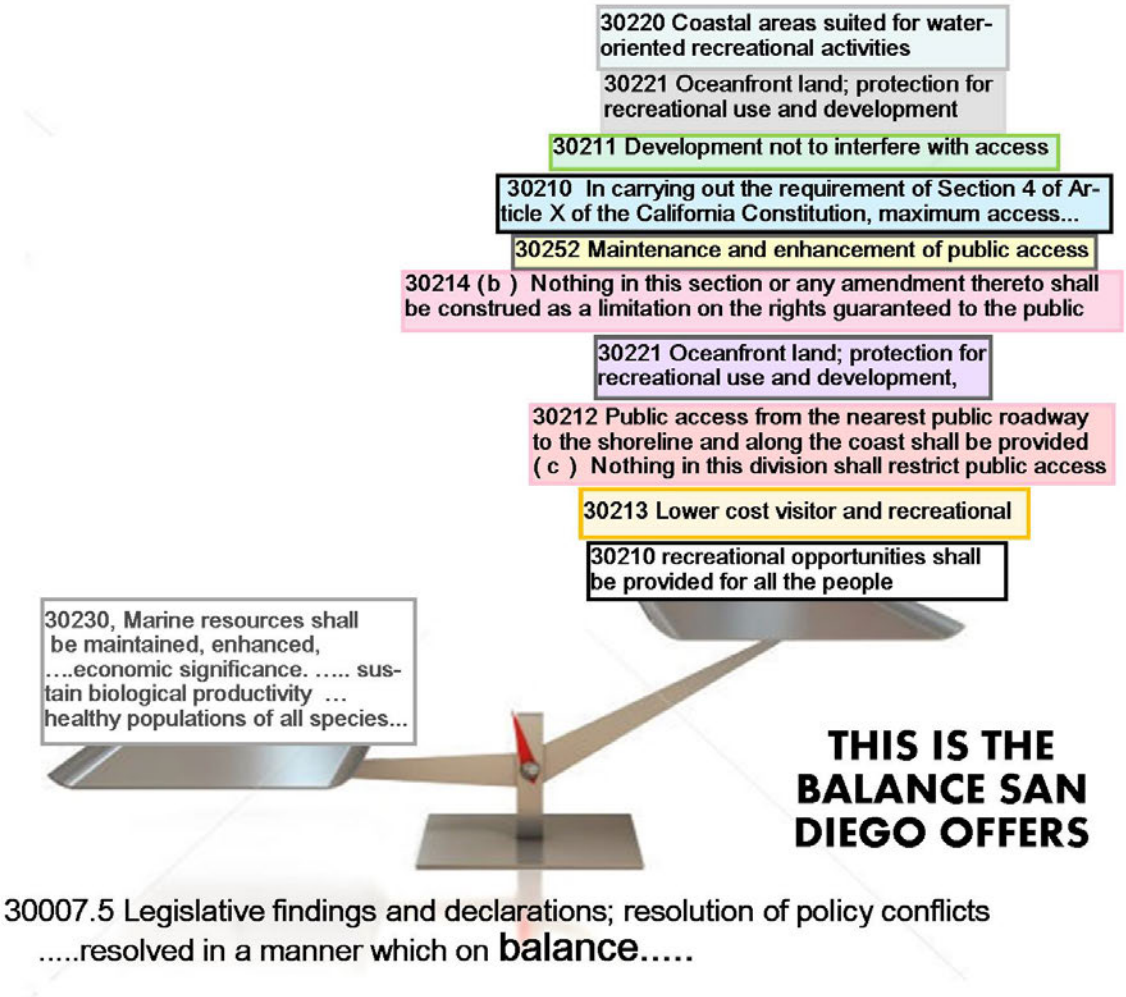
One question for the Commission still is "For whom are these seals a resource?" They were a value for the people of California, notably added in a landgrant trust amendment having seals serve "for entertainment and education of children". The Coastal Commission was since called on to bar children and their parents from going on the same beach with them. Coastal Access can mean visual only? To justify turning the Coastal Act on its head, to justify barring the public from its own beach required allowing San Diego its claim it owned its beaches as property and its features, and to misquote federal science (See my letter of May 1) as if seals and sea lions are part of a rare and fragile population in San Diego. It worked then. In 2018, federal interference ended in a Coastal Commission appeal in Orange County in which federal NOAA absolute authority was overruled and any claim to pre-eminent jurisdiction on California coastal lands was refuted without a word in defense from NOAA. (They didn't want it, see my letter of May 5)

How can the Commission overrule recommendations from a staff forced to advocate for unwarranted civil abuses by the holder of an LCP? Alternate actions and mitigations are never seen by the Commissioners. The Commission needs access to an alternative to renewing closure that would keep seals from being

inconvenienced to the point of leaving. That was in “the Lifeguard Plan” that Commissioners never got to see. That comes in my next letter.

Setting conditions requesting the applicant demonstrate there has been investigation into “feasibility” of alternatives and mitigations cannot work, did not work. Per 30108, "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” San Diego did not find any alternatives to blocking public access was “Feasible” by that definition. In its estimation of reasonable, economic is paramount.

It is time for the Commission to retort: “Do it anyway”. Or the Commission will get wagged around by every town that does not care to spend money = All of them. “In Perpetuity”.



John Leek San Diego, 92123

From: LoMedico, Stacey
Sent: Tuesday, August 6, 2013 3:26 PM
To: Zirkle, Chris; Thomas, Shannon
Subject: FW: Wrack

Chris – not a part of our permitting but thought you should see this one.

Stacey LoMedico
City of San Diego Park and Recreation Director
202 C Street - MS37C, San Diego CA 92101
619.236-6643/Fax 619.525.8220

From: LoMedico, Stacey
Sent: Tuesday, August 06, 2013 2:25 PM
To: Thomas, Shannon; Vacchi, Robert; Wurts, Rick
Cc: Daneri, Daniel
Subject: RE: Wrack

K – So we tell people if reported or brought to our attention – it is a violation of State CA and that if they want they can file a complaint w. Local CC staff?

Stacey LoMedico
City of San Diego Park and Recreation Director
202 C Street - MS37C, San Diego CA 92101
619.236-6643/Fax 619.525.8220

From: Thomas, Shannon
Sent: Tuesday, August 06, 2013 1:59 PM
To: LoMedico, Stacey; Vacchi, Robert; Wurts, Rick
Subject: RE: Wrack

We don't enforce violations of the Coastal Act, though. (This is to be distinguished from when a permittee violates a condition of a City issued CDP, that would be an issue for NCCD, like any permit condition.)

I took the CCC letter to mean that we can't allow private citizens to remove the kelp; not that we need to take enforcement action when they do it anyway.

From: LoMedico, Stacey
Sent: Tuesday, August 06, 2013 12:20 PM
To: Thomas, Shannon; Vacchi, Robert; Wurts, Rick
Subject: FW: Wrack

FYI – never heard such a thing!!!!!!!!!!!!!!!!!!!!
See my response..

Stacey LoMedico
City of San Diego Park and Recreation Director
202 C Street - MS37C, San Diego CA 92101
619.236-6643/Fax 619.525.8220

From: LoMedico, Stacey
Sent: Tuesday, August 06, 2013 12:19 PM
To: Daneri, Daniel; Sara Wan
Cc: Hasenauer, Kathleen
Subject: RE: Wrack

Get it in writing pls so that Rich can have a copy also let the CC understand we will send to all shoreline/beach operations and LG staff as I communicated to them last week and they were not aware either.

Stacey LoMedico
City of San Diego Park and Recreation Director
202 C Street - MS37C, San Diego CA 92101
619.236-6643/Fax 619.525.8220

From: Daneri, Daniel
Sent: Tuesday, August 06, 2013 12:18 PM
To: LoMedico, Stacey; Sara Wan
Cc: Hasenauer, Kathleen
Subject: RE: Wrack

I have confirmed with the CCC that even moving the wrack a short distance to allow chairs and umbrella's is not allowed without a permit unless it is done as part of normal beach maintenance. I will have Rich discuss with anyone seen doing this and let them know it is not allowed.

From: LoMedico, Stacey
Sent: Tuesday, July 30, 2013 9:40 AM
To: Sara Wan; Daneri, Daniel
Cc: Hasenauer, Kathleen
Subject: RE: Wrack

Hi Sara,
I am slowly attempting to get to all my emails from 2 days off – I am not aware of any directive on this nor would I know how to enforce it.
I will check in with Lifeguards to see if they have anything.

Thanks

Stacey LoMedico
City of San Diego Park and Recreation Director
202 C Street - MS37C, San Diego CA 92101
619.236-6643/Fax 619.525.8220

From: Sara Wan [mailto:sarawan425@gmail.com]
Sent: Saturday, July 27, 2013 11:17 AM
To: Daneri, Daniel
Cc: LoMedico, Stacey
Subject: Wrack

It is my understanding that people have been told that they are not allowed to remove the wrack. I have spent the last 45 mintues watching them do just that. The Ranger is not there. He will not get there till mid-day. this happens all the time- by the time he gets there all of the seals have been chased off the beach and anything they want to do they have already done. How do you propose to deal with this?

Sara

Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com May 28, 2019

To California Coastal Commission public input file on Children's Pool public closure renewals.

Ref: How San Diego hid an alternative to closing a beach from Commissioners.

Years ago, Commission staff was called on to accommodate a client. In 2003, the LCP holder San Diego had ignored National Marine Fisheries Service, NOAA/NMFS warnings that seals on a public beach were a bad idea. San Diego could drive its citizens away, or it could drive the seals away. But people liked them and the feds went back to Long Beach, frustrated. A decade later seals had completely adapted to sharing Children's Pool with people, but people had not. Humane society, PETA, Sierra Club, APRL, saw an issue, and power and undue influence there for the taking.

Lifeguards were caught by City indifference, stationed right there, responsible for public safety as first responders. Belligerents could call police and NOAA about impressions they had that people on the beach were purposely or incidentally preventing more seals from seeking refuge where they needed it. Lifeguards put up barricades on the beach isolating the west side of the beach where seals preferred, and closed the old access ramp gate to funnel people away from the seals. A Coastal Permit for such should have been sought, but the City saw no need. It could decide not, as LCP holder.

The pressure from organized special interest groups on the City increased but the law was clear – it was a public beach. But saving baby seals from their mother's poor decisions was mandated by higher than the laws of man and activists became active. Calls to police had to be answered by law – and their switchboards lit up. When lifeguards announced their job was saving lives and not sidewalk crowd control, the City was looking at new expenses. Private security guards were tried, a special ranger hired, Anti-access people invented the rope barrier, only it was made of a seaweed line in the sand, enforced by "volunteer docents". With a "line in the sand" the war was on.

In self-defense, Northern Division Police Dept. posted a protocol on its website in 2007 still there to this day. https://www.sandiego.gov/sites/default/files/legacy/police/pdf/childrenspool.pdf stating seals were a federal matter and they were only obliged to notify NOAA in Long Beach of suspected violations of the Marine Mammal Protection Act. Button, button, who's got the button?

It got worse from there. The head lifeguard at the Children's Pool Ed Harris was the most informed person in town as to what was going on. The rope was only a legalized but unenforceable replacement for privately laid kelp barriers. Many people had asked why the barrier was not simply turned the other way so shared ocean access could actually work. He made a formal proposal to the City to do the obvious; divide the beach the other way. Preserve beach for seals were they wanted it but honor the State Constitution by ensuring citizen and fishing access to the water. It was called the "Lifeguard Plan".

The City did not like it. It involved Park and Rec personnel hours and cleaning the beach and re-opening the historic ramp access and the NIH factor as well. The City had a simple low cost solution involving 200' of rope and 5' of chain. The Lifeguard Plan was not received internally. The City worked with local staff to exclude the idea from CCC consideration. The staff had to help the LCP holder do so under CA section 30336.

The Lifeguard Plan was seasonal too. The division allowed people only access to ¾ of the beach in summer, seals around of not. Just in case. In winter the public was allowed the ¼ furthest from the sea wall and the rocks the seals prefer. Only people can read signs, so seals could actually go anywhere, of course, but they always had a private area with no people if they wanted it. And right at their favorite "runway" for entering and exiting the water.

A big yellow rope was ugly and required maintenance so the Lifeguard proposal suggested large boulders, to make a natural looking “line in the sand” not subject to washing away. Workers would move the demarcation boulders only twice a year and use the opportunity to effect beach cleaning at the same time.

The proposal was artfully misinterpreted to seem as though the boulders had to “pen” the seals. Silly.

The Commission staff could only hear from the LCP holder and not ask Mr. Harris to explain. The only workable alternative to banning the public from its own beach was buried away from the eyes of Commissioners. See attachment. The actual boundaries were never discussed. Pictures were conjectural based on seal population in 2012. Commissioners should draw their own. Go ahead.

NOAA did not like its hotline clogged up with reports of violations of “distance guidelines” and demands they send an agent out to investigate. NOAA published its own public relations blitz to direct the animal lovers back to local authorities, applauding local volunteer action to stop horrible consequences of human proximity to marine mammals. (But NOAA could do nothing itself for lack of resources). Now, the Coastal Commission has won the right to enforce the MMPA in their stead.. Button, button, who’s got the button?

In a couple weeks, Commissioners will once again see only a take it or leave it choice. Ban the public or take responsibility for wholesale seal infanticide as rumored by federal signs now posted at our Children’s Pool and South Casa Beaches. No permit for the signs. Not needed. All year round, not just “pupping season” making beach access a perpetual crime against nature. This will be repeated as necessary on other beaches where marine mammals of any kind spread on the mainland.

There are 3 species that NOAA has measured to have exceeded the carrying capacity or their traditional offshore ranges; California Harbor Seals, California Sea Lions and Northern Elephant seals; coming soon to a beach near you.

John Leek San Diego, 92123



Non-pupping season



Pupping season

June 3rd 2012

Coastal Commission file 6-11-078
7575 Metropolitan Drive Ste 103
San Diego, CA 92108-4402

Coastal Commission staff,

Though Parks and Rec was asked for alternatives, it never supplied any. People often point out the rope is turned the wrong way. Sometimes the Friends of the Seals notice that too. Here is a picture of what they do sometimes – a kelp line in the sand to divide the beach. It doesn't work very well without one of them there to enforce, but the idea is simple enough. The pictures show the division.





We only need a real barrier that can stand against the tides, or can be reinstalled every day easily.
And new rules, no people allowed west of the dividing line. Cause for arrest and citation. AND seals get to go anywhere they want. Seals that don't like people will figure out which side to be on. People on the east side do not suffer penalty if a seal moves, since it only helps the seal figure out which side he prefers to be on. And of course woe to the person who actually hurts a seal, but that has never happened before according to Daneri of Parks and Recreation.

Another idea the City never thought of is webcams at the Pool. Nobody will harm a seal with the world watching and the goings of the seals can be studied easily. Pups can be easily counted and conditions will be available to folks before they leave home. Why not?

John Leek 858-610-4724
3090 Admiral Ave
San Diego CA jleek001@san.rr.com

Public harassing sea lions in La Jolla

BY: Rachel Bianco
POSTED: 6:14 PM, Jan 6, 2017
UPDATED: 12:10 PM, Jan 7, 2017



VIDEO BY KGTV

+SHOW CAPTION





SAN DIEGO -
Disturbing video shows crowds of people harassing sea lions in La Jolla over the holiday break.

Animal rights activist Andrea Else Hahn shot the video December 30 not far from the Children's Pool.

In the video, people are seen poking and trying to pet the wild animals, and letting their children get dangerously close. The wild animals are clearly agitated - seen barking, snapping and lunging at the unwanted visitors.

Friday afternoon, 10News cameras captured more of the same behavior from visitors - as they got to close to the animals.

"I think they're pretty cool. I just wanted to pet them. I wanted to pet 'em but then my buddy Mitchel tried to and he kept making a weird noise," said David Richison who is here with his family from the Fresno area.

Richison said he had no idea it's against the law to touch or get close to the seals and sea lions, even though signs are posted telling the public not to approach the animals.

Christina and Trevor Dean were visiting from Vancouver. They were appalled by the video.

"These people are lunatics, it's pretty dangerous," said Dean who was especially shocked at how adults were behaving. "I couldn't even imagine what you would be thinking to walk up to a wild animal and have your children that close to them, it's insane."

The National Oceanic and Atmospheric Administration is responsible for enforcing laws that protect the animals. A spokesman said the agency is aware of the video, but there is no way to find the people seen in it.

"It's deeply disturbing that people would treat wild animals that way and dangerous as well," said spokesman Michael Milstein.

The animals are especially sensitive this time of year due to pupping season.

"The more you disturb them, the less likely it is that they're going to be able to survive in the long term," said Milstein.

It's also extremely dangerous for people.

"People are coming up and in some cases, touching the animals and having the animals snap at them, that's a natural defensive behavior by the animal, but clearly dangerous for people," said Milstein. "These are many hundred pound animals with very strong jaws."

A ranger patrols the coastline in La Jolla, but not full time. Milstein said limited staffing makes enforcement difficult.

"We just don't have enough people to be present there at all times," said Milstein. "We're working with California Department of Fish and Wildlife and local authorities to try to increase presence there as well as to increase awareness to educate people."

Violating the Marine Mammal Protection Act can lead to a fine of up to $11,000 and even in a year in jail.

The public is encouraged to call the agency's enforcement hotline to report behavior that is disturbing the marine mammals.

The number is 1-800-853-1964.

Coastal Commission File 6-11-078 6/2/2012
C/O Kanani Brown
7575 Metropolitan Dr. Ste 103
San Diego, CA 92108-4402

Re: From the lifeguard's view

It is my understanding that the Coastal Commission will be considering whether to approve a year round rope at the Children's Pool. I would like to weigh in on behalf of the Lifeguards that have worked the area for years. I want to make it clear that I am speaking as the union representative, and I am in no way speaking on behalf of the City. As a twenty-three year veteran and current sergeant, I feel that my fellow Lifeguards and I have valuable information that the commission should hear prior to making such an important decision.

A year round rope will not help the current situation. There really is no reason to have it. The ability to compromise on a common sense solution needs to be considered. There are two simple facts that should be looked at. Seals do not like the beach when it's warm out or during extreme low tide. During these times, they prefer to be on the rocks. People, especially children, do not use the pool when it's cold. The rope was somewhat effective until it became clear that there is no legal way to enforce it. People pass freely over, under and around it. Lifeguards, Rangers and Police receive countless calls about those crossing over. It takes up resources and distracts us from our primary mission.

Solution

Rather than putting up the rope, use large moveable boulders. The boulders would create a separate pool within the pool. During the winter months, the seals use the beach more frequently. During pupping season, it would be logical to block approximately seventy five percent of the beach. The rocks would be adjusted so that twenty five percent of the beach would be left open to the public. It would include an area on the east side close to the stairs that would have water access. Seventy five percent of the beach would be blocked off for the seals.

During the summer months, beginning after the pupping season, the rocks would be adjusted to the west. Twenty five percent of the beach would be roped off for the few seals that use the beach during the warmer months. The rest of the beach would remain open for humans. By doing so, there would be no reason to cross into the protected area. Access and protection would be achieved so you would have more acceptance from the community. The seals naturally gravitate towards the wall; this would be the area reserved for them.

It is important to note that the Lifeguards have remained neutral. We enjoy the seals and humans equally. There have been copious amounts of misinformation put out from both sides. We believe the seals need space during the pupping season.

We have observed humans and seals cohabitating far before this was a newsworthy debate. Contrary to what is often portrayed, the seals do not fear us. They frequently follow swimmers, snorkelers and divers for hours. They play with our fins and playfully bump us with their bodies.

Contamination

We are deeply concerned about contamination of the water and sand. If you visit your local dog park, there are signs encouraging all to pick up after their dog. The signs provide information about the dangers of bacteria due to fecal mater. Imagine if no one picked up after his or her dog in your local park. There has been no clean up of seal feces at the Children's Pool that I am aware of. We have had several hundred seals defecating on the beach daily for over ten years. The bacteria have percolated through the sand and have polluted the water. As part of the plan, we suggest that each time the rocks are moved, several feet of sand should be moved out. We would like the Coastal Commission to address this issue and consider recommending a low cost solution.

Solution

The Children's Pool is an unnatural structure that traps sand and bacteria like no other place in San Diego. Natural flushing is prevented even during the largest swell and tide. On most beaches, large quantities of sand shift from one beach to another. Large swells can take ten to fifteen feet of sand off a beach in a day. Smaller swells push sand up and can replace it in equal time. The north swells of winter often take sand from various beaches, then the south swell brings it back. The movement of sand is most noticeable at Windansea, Boomer and Shell Beach. Clean up does not require expensive dredging and hauling. The City moves sand and cleans beaches year round.
Use City bulldozers to scoop sand out of the pool after pupping season. The bulldozer can easily dump the sand over the wall. The South swell will clean the sand and replace it. Seal feces are a natural element that will no longer pollute the area once dispersed into smaller quantities.

Ed Harris, Head Lifeguard
Children's Pool La Jolla

May 21, 2012

John Leek
Friends of the Children 's Pool
3090 Admiral Ave
San Diego, CA 92123

California Coastal Commission
Lee McEachern
7575 Metropolitan Ave, Ste 103
San Diego, CA 92108-4402

cc. Deborah Lee

Re: No need for a permit to barricade the stairs at Children's Pool

Dear Lee,

Parks and Recreation is currently preparing plans and budget to close the stairs at Children's Pool by a barricade. It seems clear this can be done without a Coastal Permit. The City has the power to put its barricade in place any time it wishes. Please read on.

On May 17th 2010, the City Council passed a resolution to extend a rope barrier across Children's Pool every day forever. After the Children's Pool was revealed to historic tidelands, Parks and Recreation was required to submit justification for a new permit to allow this permanent structure. (Nov 9th 2011) The documentation presented was solely the record of the City Council deciding it wanted it. You have accepted that as sufficient. In the same Council resolution was a requirement the beach be closed by ordinance from Dec 15 to May 15 forever. (about to be acted but not by ordinance)

The resolution has resulted in a posting of intent at the Children's Pool, but revised to be a barricade of the single available point of entry. That was clever because the Coastal Commission has no jurisdiction and could do nothing about it, according to you. The City Attorney had warned in 2010 the legal closure of the beach itself would require a change to the LCP which would easily take a year. (much expense) Parks and Recreation has since proven to itself and to you that it can just close the access route to a public beach on its own recognizance. It began Dec 15 2011 when the stairs to South Casa Beach were closed by chain and lock.

The reason given was the City had suddenly realized the stairs had become hazardous and in need of repair. I wrote to you and Stacey LoMedico pointing out closure of the only access to a beach had to be done with an emergency coastal permit allowing 30 days to complete. Instead she sought a permit to only repair the stairs, not mentioning there would be any closure, and with a 3 year schedule, but predicted completion in 10 months or so. As an odd coincidence, the delay in starting work lasted from Dec 15 to May 15. In response to complaints, the public was told "the stairs are closed, the beach is open".

When I complained to our Local CCC office, the staff response was to ask Parks and Rec if it was so, and had to be satisfied with the answer; that indeed that was what Parks and Rec was going to do. The Coastal

Commission was helpless because it lacked jurisdiction above the high tide line. That was established earlier concerning the locking of the gate across the ramp to Children's Pool beach.

I had sent you photos of historic use of that ramp and pointed out the ramp being shown in the LCP as a historic access route. You did not contest any of that but only stated "The Coastal Commission has no jurisdiction above the high tide line". Since then other public groups have complained the locking and fortification of that gate was a violation, and Stacey LoMedico was finally emboldened to take full responsibility in replying to them. (Attached correspondence)

> The access point is not within the Community Plan as a public access point. Yes, the map shows the ramp but the document is clear that the public access is via the stairway.
>
> In addition, this issue has been raised by several members of the public to the Coastal Commission staff over the past several years, and CC staff have never determined the City is in violation by keeping the gate locked.

> The gate is locked and will continue to be locked. As we move forward with our permit to the Coastal Commission for the seasonal beach closure during the pupping season we will show this gate as locked and used for emergency purposes only.

So there you are. Inaction by the Coastal Commission is proof of her power to interpret and ignore inconvenient effects of the LCP because the City owns the LCP. The groundwork is laid. The cost of changing the LCP and getting a permit for CP closure is being calculated now, and will be much more than the City Council anticipated. But precedent is firmly in place here – forgiveness is easier to get than permission.

We are left with questions. (1) If Parks and Recreation cites a court settlement agreeing the City shall proceed with its own plan to end public access 5 months every year, overriding its own Planning Commission and statutes, what would prevent them from acting on their own to barricade the stairs? (2) What recourse would there be for any entity?

(3) Have we not established the jurisdiction given the City under its LCP is absolute and the only power the Coastal Commission has is to deny a future permit, if brought before it, but it can say nothing about violations?

John Leek

Jleek001@san.rr.com

Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com May 3, 2019

To California Coastal Commission staff public input on Children's Pool public closure renewals.
Ref: Federal overreach to force Californians to give up shoreline for NMFS convenience.

Earlier I quoted "in 1999 NMFS advised the City that it did not favor public beaches being closed to the general public due to harbor seals expanding their range and colonizing mainland beaches. Further, NMFS did not agree with a shared-use of Children's Pool by humans and seals." [1]

San Diego refused to drive our seals away for the feds our expense. The SW director had also said, and the Long Beach office repeated over the years; that NMFS did not have the resources to deal with "San Diego's problems". San Diego stayed with shared use. In 2004, 9 swimmers attempted to swim into Children's Pool to show that seals accepted people. The resulting media circus and screaming demonstrators made a lot of seals decide to leave, though lifeguards attested later all the seals came back in a few hours.

During the trial of the 2 who appealed their federal citations, a judge made some observations as to how it all could have been prevented, and still could be. [2] Please find his Attachment C suggesting the City could have applied for an "Incidental Harassment Authorization" for its citizens to use the area under defined rules instead of the vague and inexact MMPA definition of harassment, as he described it. San Diego did not try that, or any other suggestions.

He discussed the quandaries such as the unreasonable 100 yard policy in the Share the Shore publications and the possibility of splitting the beach down the middle, but his preferred recommendation was : "Government regulation should only be forced on its citizenry when the public interest so requires. Moreover, once the underling basis for the regulation cease to exist, so should the heavy hand of the government. In this case, the parties should work together to resolve this problem. The City/County of San Diego needs to re-submit its application to the California Coastal Commission to dredge the Children's Pool to restore it to pre-1920 condition. This will not be unduly expensive and will improve the water quality for both seals and humans." San Diego ignored this idea. Did not consider it "feasible".

A second defendant was acquitted. leading to the Pate decision of 2005 that reinstated a legal requirement the City dredge the Pool to restore it. The City fought that court order ferociously and finally lobbied the legislature to amend the tidelands grant trust to evade that order, keeping and enhancing the controversies that led it to beg the Commission to turn the Coastal Act on its head, to ban people from "just one beach for seals". Because there was no alternative to living within federal MMPA requirements. So they said,

In 2017 I applied for an Incidental Harassment Authorization to cover my aiding with diver safety and skills in treacherous shore entries[3] and my providing the NMFS Office of Stranding Coordination with photos of rehab ID tags found on released sea lions that had hauled out in La Jolla on beaches a block north of Children's Pool. I cited the MMPA requirements that **Section 101(a)(5)(D) of the MMPA (16 U.S.C. 1361 et seq.) directs the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional, taking of marine mammals by United States citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.**

Authorization for incidental taking shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an immitigable adverse impact on the availability of the

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[Q] Quotes from Superior Court case Vallerie O'Sullivan vs City of San Diego, 2005. Case GIC826918
[2] United States Dept of Commerce, Initial Decision and Order Lilo Creighton, 4/20/2005 Hon. Parlen L. McKenna, Administrative Law Judge
[3] San Diego Council of Divers Rock, Rips and Reefs program.

species or stock(s) for subsistence uses, and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

I naively thought when Congress says “shall” that means “Must”. The MMPA stipulates one answer 7 questions to get a determination of completeness within 2 months and a publication to the Marine Mammal Commission for review. Two months went by. Six months. A year. Each inquiry was answered from Maryland, “We will get back to you soon, there are unusual circumstances”. At 17 months I got a letter from the top – Approaching a sea lion directing a camera at it from any distance was a “take” and so harassment and not incidental. That letter is included here. I pointed out they had over 3000 photos I had given the NOAA Orangetags program on record and they could prove their point by having the Office of Law Enforcement cite me any time. They had quoted a rule from a different kind of permit, and I maintained I was not violating the MMPA, but they were.

I was invited to resubmit without the tag photographing, just the diver safety training. Nonsense. “Live up to your own statute and review my application with any negative comments you wish.” I recently got the second letter saying both my requested activities were now forbidden. They don’t have to follow their own law and procedures? I suppose so, since they are under the Executive Branch and only need do what Congress writes into law if the Secretary of Commerce says to.

McKenna provided an eye-witness account on page 3 of his decision. *“Because handrails have been installed on both sides of the breakwall, these visitors can walk all the way to the end of the beach. In doing so, a person can be as close as ten (10) feet from a harbor seal. Indeed, from what I observed during an "in-trial visit", the harbor seals have become so accustomed to people on the wall that they generally do not move from laying directly under groups of people hanging over the handrail. Moreover, people and their children on the Children's Pool Beach have been intermingling with the seals. As such, people pet the seals and lay down next to them to get pictures with the animals. Thus, since the seals apparently did not feel threatened by the joint use of the beach, more and more harbor seals began to frequent Children's Pool Beach as their population increased over the years.”*

I am still sending in sea lion stranding tag photos. I give our ranger census photos of South Casa Beach seals for his use. I don’t harass any animals or they would run away and I would have no picture. A tag is about 2 inches long. I attach a couple photos. NMFS has no authority on California beaches by default. They don’t want it, have refused it and failed to testify otherwise when the appeals court ruled in favor of the Coastal Act and Commission being independent of it. You don’t have to get into the beach closure business because NMFS waves the MMPA around. There are many alternatives.

While doing the tag photos I have documented that we really have a large sea lion rookery on our hands, much greater in size than any previous estimates. NMFS is supposed to count them per MMPA Sec 117, but they do not, as is their option. Just like citing a million people they imperiously accuse of federal violations by pinniped proximity. The Commission also has options: which it did not know about 5 years ago.

Thank you for reading:

John Leek

3090 Admiral Ave,
San Diego, 92123

ATTACHMENT D

Importantly, while no ruling as to Constitutional issues will be rendered herein, the Respondent has made several arguments that should be addressed to aid the Agency head in resolving any appeals as a result of this Decision and Order.

The Marine Mammal Protection Act, was enacted approximately thirty four (34) years ago.[20] At that time, Congress lacked definitive scientific information about marine mammals to guide them in drafting the law. In the report of the House Merchant Marine and Fisheries Committee concerning the 1971 proposed bill, the Committee noted:

> In the teeth of this lack of knowledge of specific causes, and of the certain knowledge that these animals are almost all threatened in some way, it seems elementary common sense to the Committee that legislation should be adopted to required that we act conservatively – that no steps should be taken regarding these animals that might prove to be adverse or even irreversible in their effects until more is known. As far as could be done, we have endeavored to build such a conservation bias into the legislation here presented (U.S. House 1971 b).

As Congressman John Dingell aptly stated when he opened the floor on September 9, 1971, "Once destroyed, biological capital cannot be recreated".

Accordingly, three important features were incorporated into the MMPA - - (1) a conservative bias in favor of the species; (2) all significant human marine mammal interaction fall within the penumbra of "take" thus requiring governmental approval prior to engaging in such activity; (3) placing the burden of proof on any party seeking to "take" a marine mammal to demonstrate that such activity is consistent with the overall goals of the Act and will not disadvantage the species or stock involved. In other words, the MMPA's goal provides that all marine mammals should be brought to and maintained at their optimum sustainable population (OSP) level provided that efforts to do so are consistent with maintaining the overall health and stability of the marine environment.

Quoting Grayned v. City of Rockford, 408 U.S. 104, 108-109 (1972), the Supreme Court in Village of Hoffman Estates stated the standards for determining vagueness: "Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic

[20] For a detailed history of the MMPA, see "The Laws Governing Marine Mammal Conservation in the United States" by Donald C. Baur, Michael J. Bean, and Michael L. Gosliner (now General Counsel of the Marine Mammal Commission).

policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory applications." Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc., 455 U.S. 489 at 498 (1982).

A statute violates due process if it either forbids or requires the doing of an act in terms so vague that persons of common intelligence must guess at its meaning and differ as to its application. Big Bear Supermarket No. 3 v. Immigration and Naturalization Service, 913 F.2d 754, 757 (9th Cir. 1990). The degree of vagueness that is permissible varies according to the nature of the statute, and the need for fair notice or protection from unequal enforcement. Jones v. City of Lubbock, 727 F.2d 364, 373 (5th Cir. 1984) (citing Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc., 455 U.S. 489, 498-99 (1982)). Statutes that threaten or inhibit Constitutionally protected rights face a more stringent test for vagueness, and criminal statutes face a higher vagueness test than civil statutes. Pinnock v. International House of Pancakes Franchisee, 844 F.Supp. 574, 581 (Ca. S.D.1993). Thus, Respondent's reliance on Handakas is not directly on point although it's underlying rational still is germane.

A civil statute will only violate due process if it is "so vague and indefinite as really to be no rule or standard at all" or was substantially incomprehensible. Jones v. City of Lubbock, 727 F.2d 364, 373 (5th Cir. 1984) (citing A.B. Small Co. v. America Sugar Refining Co., 267 U.S. 233, 239 (1925)); See also Botosan v. Paul McNally Realty, 216 F.3d 827, 836 (9th Cir. 2000) ("A statute is vague not when it prohibits conduct according to an imprecise but comprehensible normative standard, but rather in the sense that no standard of conduct is specified at all."); Ferm v. Aetna Insurance Company, 163 F.3d 605 (9th Cir. 1998) ("Nev.Rev.Stat. § 230.030 is not 'so vague and indefinite as really to be no rule or standard at all.'"); Al Ventimiglia v. Watter, 121 F.3d 719 (9th Cir. 1997) ("Cal.Elec.Code § 9238 is not so vague and indefinite as really to be no rule or standard at all."). However, civil statutes may be considered "quasi-criminal" and subject to stricter test for vagueness if their penalties are penal in character even though they may be described as civil. Advance Pharmaceutical, Inc. v. United States, 391 F.3d 377, 396 (2nd Cir. 2004). A "quasi-criminal" statute is impermissibly vague if it does not "give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly" or does not provide explicit standards for those who apply the statutes. Id. The Supreme Court allows a less strict vagueness review when no constitutional rights are implicated and a statute regulates only economic activity. Advance Pharmaceutical, Inc. v. United States, 391 F.3d 377, 397 (2nd Cir. 2004).

In evaluating vagueness, courts consider the words of the statute, interpretations of analogous statutes, and the interpretation of the statute given by those charged with enforcing it. Pinnock v. International House of Pancakes Franchisee, 844 F.Supp. 574, 581 (Ca. S.D. 1993) (citing Grayned v. City of Rockford, 408 U.S. 104, 110 (1972)). Additionally administrative regulations and interpretations may sufficiently clarify a statute that might otherwise be deemed vague. Pinnock v. International House of Pancakes Franchisee, 844 F.Supp. 574, 581 (Ca. S.D. 1993) (citing Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc., 455 U.S. 489 at n.5 (1982); Ward v. Rock Against Racism, 491 U.S. 781, 795 (1989); United States v. Scheiderman, 968 F.2d 1564,

Have you seen an orange tag on a sea lion?

Then its life was saved by Sea World. Sea lion population exceeded carrying capacity of the Channel Islands in 2013. Starving young sea lions washed up all over California. In La Jolla they were welcomed and lost fear of humans. Sea World was the only rescue designate in California to refuse federal funds and still continues its rescue operation out of pocket. If you can read a tag without annoying the sea lion, (telephoto) report it to Orange.tags@NOAA.gov.

Over 97% of rescue tag resightings for all California have come from La Jolla.





A1723 was first recorded on May 9, 2016 and 23 times thereafter





W2401 was first recorded on March 15, 2017 and 60 times thereafter.

#247 was branded by researchers in Año Nuevo Island in 2013 as a yearling. Also given a yellow tag 735V. Seen Oct 12, 2018 and recorded 13 times thereafter.



W2339 was first recorded here on July 23, 2016 and 22 times thereafter.





breakwall extends seawards past the waters edge to form a protective cove. (See Joint Stipulation of the parties dated February 22, 2005).[3]

For the last seventy (70) plus years, the people (including their children) have benefited greatly from "the absolute right" to use the Children's Pool Beach pursuant to the grant from the State of California. Indeed, over the years the City/County of San Diego has constructed a large lifeguard Tower, public restrooms overlooking Children's Pool Beach, and concrete stairs from the street level down to the beach.

To the north of Children's Pool Beach (approximately 400 feet) is Seal Rock. This area consists of "a large rock which is surrounded by other smaller rock formations which are submerged at moderate to high tides... . At low tides, tidepools are exposed in the area immediately east of Seal Rock ... . East and northeast of Seal Rock is Shell Beach, a small sandy pocket beach." (See Respondent's Ex. R.- California Coastal Commission Staff Report). The harbor seals have historically used Seal Rock as a haulout or resting area. Seal Rock and the vicinity were the only known regularly used haulout on the mainland south of Point Mague in Santa Barbara along California's coast. Harbor seals require time out of the water every day to warm their bodies and rest. Haulouts for longer period of time are required to give birth and molt (shedding of skin and hair). The pupping season occurs from February through July. The California Coast Commission Staff Report also noted:

> "It has also been reported in the past that seals have used a reef location approximately 50 feet directly west of the breakwater at Children's Pool as a haulout, but to a much lesser degree than Seal Rock itself." (id., p. 6.).

The Children's Pool Beach, aside from being a historical swimming hole for people and their children, has become a significant tourist attraction for San Diego and La Jolla. Indeed, since the mid 1990's, the number of tourists walking on the breakwall to get a close-up view of the harbor seals at Children's Pool Beach has increased dramatically. Today, approximately 98,700 tourists visit the Children's Pool Beach and surrounding area each month.[4] Clearly, such a huge draw of visitors brings in tourist revenue to San Diego County. While many of these visitors do not come to San Diego solely to visit Children's Pool Beach, the beach is one component of a very valuable San Diego tourist attraction. At the hearing in this case, Mr. Clifton Williams, Chief of Staff for City Councilman Scott Peters, stated that Children's Pool Beach is a valuable tourist attraction. (See TR p. 418). Because handrails have been installed on both sides of the breakwall, these visitors can walk all the way to the end of the beach. In doing so, a person can be as close as ten (10) feet from a harbor seal. Indeed, from what I observed during an "in-trial visit", the harbor seals have become so accustomed to people on the wall that they generally do not move from laying directly under groups of people hanging over the handrail. Moreover, people and their children on the Children's Pool Beach

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[3] The Joint Stipulation is hereby admitted into evidence as ALJ Exhibit No. 1.

[4] See Joint Stipulations of Parties dated April 12, 2005, hereby admitted as ALJ Exhibit 2.

have been intermingling with the seals. As such, people pet the seals and lay down next to them to get pictures with the animals. Thus, since the seals apparently did not feel threatened by the joint use of the beach, more and more harbor seals began to frequent Children's Pool Beach as their population increased over the years. (See TR p. 416). Neither the Hudnall Group/"Friends of the Seals", nor the National Marine Fisheries Service (NMFS) approved of this commingling of humans and seals.[5] As for the City and County of San Diego, they are torn between the need to comply with the terms of the grant deed for Children's Pool Beach, on the one hand, and cultivating and expanding one of it's primary revenue generators - - the San Diego area as a world-class tourist destination, on the other hand.

On November 18, 1993, the California Coastal Commission approved a permit application for a temporary marine mammal reserve submitted by the City of San Diego (CDP #6-93-26). Therein, the Commission authorized the establishment of a temporary 1.35 acre marine mammal reserve consisting of open coastal waters (including Seal Rock). Children's Pool Beach was not included in this temporary marine mammal reserve. The reserve expired by its terms on September 16, 1999.

In approximately July, 1999, the City of San Diego erected a barricade at Children's Pool Beach to prevent people (and their children) from using the beach and water. The facial justification for this action was that the water at Children's Pool Beach had become contaminated as a result of seal feces. (Emphasis added). Section 409.5 of the City's Penal Code authorized such action for public safety. Initially, the City stated that it would continue to test the water so that once the contamination abated, the barricade would be removed. A year and a half later, the barricades remained in place. The City acknowledged that the contamination was sporadic. However, the City changed its initial position on the barricades to "as long as the source of the contamination was still in the area (namely, the seals), the site would remain posted indefinitely" … . In other words, even if the weekly water quality samples showed acceptable results, the Children's Pool Beach would remain closed.

As a result of complaints from the public regarding the loss of public access to Children's Pool Beach, the City of San Diego explored alternatives for a shared-use concept of Children's Pool Beach. The City staff consulted experts and considered options to restore the water quality to acceptable levels so Children's Pool Beach could be used by both seals and humans. (See Respondent's Ex. R, page 10). The California Coastal Commission Report went on to state:

> Based on their review, the City believed that the best alternative to address the problem was a proposal to dredge the sand from Children's Pool to restore it to its 1920 conditions. It was hoped that this would result in more tidal flushing of the area which would consequently result in

[5] Mr. James Hudnall is a concerned citizen with a deep interest in the welfare of the harbor seals. As such, he provides "docent" services at Children's Pool Beach and is a member of a group of individuals that call themselves "Friends of the Seals". (See TR at 260-266, January 23, 2004).

Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com May 4, 2019

To California Coastal Commission staff public input on Children's Pool public closure renewals.
Ref: Federal overreach to force Californians to give up shoreline for NMFS convenience.

On May 3, I said:
"In 2017 I applied for an Incidental Harassment Authorization to cover my aiding with diver safety and skills in treacherous shore entries and my providing the NMFS Office of Stranding Coordination with photos of rehab ID tags found on released sea lions that had hauled out in La Jolla on beaches a block north of Children's Pool."

It is more evidence of why the Commission did not "win" the right to enforce aspects of the MMPA by closing beaches. California got stuck with the job. NOAA/NMFS had finally shucked the responsibility and cost to California. I am attaching the 2 informal rulings, that were not rulings, that the top echelon of NOAA Office of Protected Resources had to come up with by administrative privilege. Nothing can be done because they operate under the Executive Branch, not the Legislative that wrote the MMPA.

That is a 2 way road. The courts have accepted that federal NOAA/NMFS obligations can be taken up by the California Coastal Commission, to any extent it chooses. Guided by our State Constitution and State Lands Act. Five years ago it was believed federal scientists had determined Children's Pool seals were semi-endangered. Federal policy mongers blamed the locals who had welcomed them. People were stupidly evil and were undeserving of shore access any more. Hence an emergency CCC permit to last for 5 years, or 15, and surely more.

The evidence does not show emergency conditions meriting denying access to the public. NMFS itself cannot find rational (or budget) to punish people for visiting beaches with friendly seals and sea lions on them. Even a myself whom they accuse of thousands of Marine Mammal "takes" can openly ignore them. The history of non-enforcement here by NMFS shows they never believed their own claims. It was fake news to achieve an administrative goal.

They reference their fake news in the letter of 4/24 called Response to Leek, citing their public relations website for guidance and finally admitting, they can't give IHA's to all the people who need them. Of course not. Not after 40 years of building the harbor seal and sea lion populations beyond their carrying capacity, to create an ecological disaster the length of the West Coast.

Thank you for reading:

John Leek

3090 Admiral Ave,
San Diego, 92123

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

Dear Mr. Leek,

This is in reference to your July 16, 2017 request for a Marine Mammal Protection Act (MMPA) incidental harassment authorization (IHA) for activities relating to tagging of pinnipeds; and recreational access to the shoreline at La Jolla, California.

As NMFS staff have indicated in previous communication, any take that results from approaching or directing actions at pinnipeds purposefully in order to photograph their tags is not "incidental" and may not be authorized under section 101(a)(5)(D) of the MMPA.

We are continuing to consider your request as it relates to the other activities. However, given that photographing tags is a central focus of your request, please let us know whether you are still interested in pursuing an IHA.

If you have any questions, please contact Jolie Harrison at 301-427-8401.

Sincerely,

Donna Wieting

Donna Wieting
Director, Office of Protected Resources
National Marine Fisheries Service

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Subject: Re: updates and improvements to the untitled IHA for mostly documenting sea lion tags.
From: Jolie Harrison - NOAA Federal <jolie.harrison@noaa.gov>
Date: 2/5/2019, 5:23 AM
To: John Leek <jleek001@san.rr.com>
CC: Donna Wieting <donna.wieting@noaa.gov>

Hello Mr. Leek,
Thank you for your patience, we are re-organizing now and will get back with you shortly.
Jolie

On Mon, Feb 4, 2019 at 11:44 PM John Leek <jleek001@san.rr.com> wrote:

> End of the year got put off a bit. Not your fault.
> I continued to supply photo IDs of pinniped release tags seen in San Diego, and am now well past 1500 photo pairs, or 3000+ takes I am accused of. I wanted to start over in 2019 anyway, and perhaps what you were waiting for has taken place?
>
> On 12/3/2018 2:54 AM, Jolie Harrison - NOAA Federal wrote:
>
> > Mr. Leek,
> > Thank you for your email.
> > As I indicated previously, we will get back with you by the end of the year.
> > Jolie
> >
> > On Mon, Dec 3, 2018 at 12:15 AM John Leek <jleek001@san.rr.com> wrote:
> >
> > > Dear Ms. Weiting
> > > I have to return to you to seek to resolve this situation. I know you told me to go back to Jolie Harrison, but that was under the assumption I would be removing a major part of my IHA request. As I wrote back to her, pointing a camera at a sea lion alone is not a take under the MMPA. It has to disturb the animals sufficiently to.... well, you know. But Ms Harrison cannot go back to reviewing my 16 month old IHA because you have made a ruling that I am guilty of nearly 3000 acts of taking. I tried to turn myself in to NOAA Office of Law Enforcement, to get a determination, asking they cite me on the basis of your ruling or ignore my request as an indication the charges lack merit. 10 days later, I conclude my request has been ignored. Both the stonewalling of my request and the leveling of unsubstantiated charges are denial of due process. But I would prefer to just start over and have my request reviewed and published for the MMC to decide if it has merit. Can we just do that and put the rest behind us?
> > >
> > > -------- Forwarded Message --------
> > > **Subject:**Re: updates and improvements to the untitled IHA for mostly documenting sea lion tags.
> > > **Date:**Wed, 14 Nov 2018 08:00:35 -0800
> > > **From:**John Leek <jleek001@san.rr.com>
> > > **To:**Jolie Harrison - NOAA Federal <jolie.harrison@noaa.gov>
> > >
> > > Dear Ms. Harrison; I just found your email in my junk bin. Good thing I checked. And I thank you for replying.
> > > I don't know how things came to this. I only wanted to help Stranding Coordination get

release ID data they seemed to need. And I wanted to do it honoring the MMPA, so I asked for an IHA - to enter into a written agreement to do everything I could to do no harm.
Now we are 16 months later, each accusing the other of violating the MMPA. What happens to your unique issues at the end of the year?
I will still be accused of illegal taking by the hundreds. There is a simple resolution to your determination I have continuously violated the Moratorium and so do not deserve an IHA. Prove it.
You need only notify Office of Law Enforcement here that John Leek must be issued a citation. You say you have determined I have violated the Act repeatedly, yet you have not told Stranding Coordination to stop accepting my photos, nor threatened any action if I continue. I have been warned and your evidence shows, continue knowing unauthorized take of marine mammals. No need for a warrant, I am easy to find.

On 11/3/2018 5:41 AM, Jolie Harrison - NOAA Federal wrote:

> Hello Mr. Leek,
> Thank you for following up.
> As I have communicated previously, the time it is taking to address your request is related to both the office workload and the need to address some unique issues.
> We plan to get back with you before the end of the year.
> Thank you,
> Jolie
>
> On Fri, Nov 2, 2018 at 9:26 PM John Leek <jleek001@san.rr.com> wrote:
>
> > We have both had some time out. For myself I spent 3 weeks in Peru and Ecuador, most of it in the Galapagos Islands. Now I am wondering what became of my request to you and Amy Sloan to just advise me of one (1) incomplete part of my application. My request has been in review since 7/16/17, which is 15 ½ months. That seems a little excessive according to your own procedures.
> >
> > Perhaps I am misdirected. In her letter of July 2018, Donna Weiting directed me to contact you if I had any questions. But that was supposing she was done with me because she understood my IHA could be denied since she had been advised that pointing a camera at a sea lion is an illegal Take by definition. Since I came back to you with requests for clarification and review of my IHA, and you have no answer, I suppose I should have gone back to Donna Weiting months ago to seek the explanations. Or should I go directly to the Office of Law Enforcement to request an assessment of my guilt? If I have been breaking the law I really need to clear that up.
> >
> > On 9/28/2018 6:13 PM, John Leek wrote:
> >
> > > I am sorry to have posed such a problem that review takes over a year. I didn't

mean to, and I would gladly work with you on whatever the incompleteness is. I did contact Amy Sloan per your reply on Sept 9 and I asked if she could just identify just 1(one) aspect of my IHA request that was incomplete, but I never heard back. Since the IHA request is "in review", the only impediment is waiting for you to send it back explaining what is incomplete, or write up the final IHA for publication.

I have seen an IHA recently published for City of San Diego to do construction that could frighten seals, and I noted the definition of the harassment to be avoided was the standard MMPA definition, no mention of body lengths moved or degrees turned. Nice and simple. But I have to repeat the request I made on 4/4/2018..."*Please continue to consider my application still legitimately entered since 7/16/17 or give me information to the contrary.*"

On 8/20/2018 11:01 AM, Jolie Harrison - NOAA Federal wrote:

> Hello Mr. Leek,
> We are still reviewing your request and will get back with you relatively shortly.
> Thank you,
> Jolie
>
> On Mon, Aug 20, 2018 at 12:55 PM, John Leek <jleek001@san.rr.com> wrote:
>
> > I have not received any reply to my 8/3 updates to my IHA request to accommodate the redefining of "take" to include approaching a marine mammal close enough to point a camera at it. I was trying to work within what appeared to be a rulemaking to criminalize my activities and what goes on here daily as dozens of pictures of sea lions are taken at our la Jolla sea lion rookery at close range by tourists. I was mistaken.
> >
> > The definition of 'take' in the MMPA has not changed. All that happened was you used a catchphrase from the section of the MMPA dealing with Letters of Consent that may be issued (and denied) under other circumstances. Had I applied for a Letter of Confirmation, the term "directed at" would have been applicable. Your office had hinted at the possibility on 6/29/17 but also dashed that hope on noting "Section 101(a)(5)(D) of the MMPA (which allows for issuance of incidental harassment authorizations) only applies to activities that are NOT directed at marine mammals". I did not know enough to point out that misapplication of a term having meaning only for Letters of Confirmation.
> >
> > Using that definition of what is not available in the narrow circumstance of an LOC does not rewrite the definition of 'take by harassment' in all other cases too. It must not, or Office of Law Enforcement down here would have overlooked thousands of citable offenses and need to hire more personnel to begin to punish the guilty. So I was wrong; as were you. In the newest

revision of the NOAA/NMFS websites, there is a different reason now found at https://www.fisheries.noaa.gov/node/17681 Simply"
These activities **may not** be authorized by an LOC:

- Research on pinniped rookeries.

No reasoning is given, but in case of LOC's there is no "shall" but under sec 104, particularly (c)(3)(A) "The Secretary **may** issue a permit under this paragraph for scientific research". My "scientific research" is on behalf of NOAA Stranding Co-orodination and so bona fide, but still rejectable under an LOC, as seen above, and it is obvious from the resistance I have endured so far, your office would surely exercise its discretion to refuse me one anyway.

I feel foolish for having mislead myself but it was in an honest attempt to accommodate what I believed was a legal rule enlarging the definition of 'take by potential to disturb' under the MMPA. Still the updates I gave you a couple weeks ago are not bad, so please see if you can process my request per your published timetable or return it with a real explanation of how you can consider it incomplete.

On 8/6/2018 11:50 AM, John Leek wrote:

> Once I understood my IHA had been stopped in review stage after being "returned with an explanation", as promised, I added mitigations and reasoning showing what ever "takes" I performed would not adversely affect the pinniped stock at large. I have accepted and dealt with the explanations concerning the federal refined definition of "take".
> Please review this updated application for acceptability. You may feel free to strike and replace any parts, of course. Please indicate if I need to add the portion of body length a seal might move to be harassment, and the equivalent for sea lions.
>
> John Leek

--
Jolie Harrison
Chief, Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Silver Spring, MD 20910

> > > Office: (301) 427-8401
>
>  Virus-free. www.avast.com
>
> --
> Jolie Harrison
> Chief, Permits and Conservation Division
> Office of Protected Resources
> National Marine Fisheries Service
> 1315 East-West Highway, Silver Spring, MD 20910
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

John Leek
3090 Admiral Avenue
San Diego, CA 92123

Dear Mr. Leek,

This letter is in reference to your July 16, 2017, request for a Marine Mammal Protection Act incidental harassment authorization for activities related to recreational beach use.[1]

The National Marine Fisheries Service (NMFS) does not issue authorizations for incidental take to cover recreational beach use that may potentially result in the harassment of pinnipeds. While it is possible that take of pinnipeds could incidentally result from accessing the beach and water, we believe recreational beach users can largely avoid take through the exercise of common sense and adherence to marine mammal viewing guidelines (please see https://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/share_the_shore_resources.html). Further, as a practical matter, NMFS does not have the capacity to issue authorizations to allow the take of pinnipeds incidental to recreational beach use for the innumerable individuals who could request them.

Please continue to make every effort to avoid harassment of pinnipeds during recreational beach use.

Sincerely,

Donna S. Wieting

Donna S. Wieting
Director, Office of Protected Resources
National Marine Fisheries Service

[1] Note that the agency replied separately on July 3, 2018, to your request as it relates to photographing tags of pinnipeds.

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Typical Timeline for IHA

- 120 days by statute (45 days to publish proposed IHA + 30 day comment period + 45 days to issue or deny)
- **Applicant submits** IHA application **(Time 0)**
- We **review** application for adequacy,/completeness, review draft NEPA document/other available information, make preliminary determinations, prepare and clear proposed IHA **(+2-5 months)**
- We **publish proposed IHA** in Federal Register; comments received at end of 30 day review period **(+1 month)**
- Review public comments, complete ESA Section 7 consultation / NEPA findings, work through issues with applicant to make final determinations; **issue final IHA (+1-3 months)**

So, approximately **4-9 months** to issue an IHA

Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com May 5, 2019

To California Coastal Commission staff public input on Children's Pool public closure renewals.
Ref: Federal overreach to force Californians to give up shoreline for NMFS convenience.

A while back I said:
"Only last year claims of federal sovereignty were debunked in court by the California Coastal Commission and Attorney General's office, obtaining a decision that NOAA does NOT hold pre-eminence over wildlife management in the Coastal Zone." The Coastal Commission is not constrained to act only within federal interpretations of its Marine Mammal Protection Act. It is even doubtful whether NMFS has any jurisdiction at all in the California Coastal Zone.

It goes further. NMFS cannot disallow a Coastal Permit to manage marine mammals on State Land (Children's Pool is not City property; it is State property held in trust). Further, NMFS and its federal MMPA has no jurisdiction above the mean high tide. In the text. It does share jurisdiction in California waters and navigable rivers under Admiralty Jurisdiction. Evidence of this is the extreme reluctance of NMFS to simply cite people in the proximity of marine mammals using the literal definition of take by harassment "any act of pursuit, torment or annoyance which has the **potential** to disturb a marine mammal… by causing disruption of behavioral patterns."[1] That could be anything, even as NMFS claims, being within 100 yards. Yet they complain piteously of people petting and spooking marine mammals and NMFS does nothing.

NMFS tried a few times, notoriously with the La Jolla 9, under Admiralty Jurisdiction, defining the harassment to have happened when people were swimming. After they had to acquit Vallerie O'Sullivan, NMFS stayed away if possible. They cited me and spent 9 months trying to offer a low enough plea bargain before dismissing me. They just did not want to argue their case against a citizen in court.

Fines collected under the MMPA go into NOAA's operating budget. They make big money when the haul in a tuna boat, but citizens pay no more than $500. Not worth it.

There is more at stake than the Children's Pool to have San Diego shoulder the responsibility for clamping down on its coastal citizens. NMFS has concealed the scope of seal and sea lion overpopulation all over the West Coast. If the Coastal Commission accepts partnership in this, it will have many more beaches in the future to close. Not to protect urban pinnipeds, but to protect the public from finding out there never was a danger to them.

If NMFS were to admit seals and sea lions went above Optimum Sustainable Population long age it should have to switch from absolute protection to animal management. That would save the endangered salmon in Oregon and Washington, but start a new round of lawsuits against NMFS by the Humane Society. Not worth it. Too messy.

The CCC won the right to work on behalf of control of the shoreline for all Californians. That came from the Judiciary, not a Washington based arm of the Executive branch. The CCC can give the burden back to the feds now. Fix the problems you created and San Diego will not fix for you or pay for, or if NMFS wants control, come take your animals to somewhere they will be safe, which is why Congress funded federal reserves.

John Leek

3090 Admiral Ave,
San Diego, 92123

[1] MMPA 16 U.S.C. 1362 Sec 3 (18)(A)(ii)

From: John Leek
To: ChildrensPool@Coastal
Subject: May 13: Asking for any guarantee
Date: Monday, May 13, 2019 11:29:50 PM

If there were any guarantee the Coastal Commission would give the Children's Pool back to the people after another decade, perhaps there would be less alarm at the prospect of this proposed double-down renewal. There is no reason to believe that gift to our children will return in our lifetimes or theirs. Nor is there any reason to expect other public beaches will not follow. People who actually want to access the ocean have never been a majority, but they were not despised for it in the past. The Coastal Commission famously held the shoreline open for all.

The stated reasons given that the Commission could turns its core mission on its head, to bar the public from what was the most protected public beach in California remain. It is a "valuable resource" for garnering tourist dollars and cutting control costs for a local government. Federal objections never materialized as NOAA readily conceded jurisdiction it had found burdensome for a quarter century. Not just here, not just for seals. Every beach in California is now fair game. Pacific Grove already went the same way. Sea walls that capture sand have since been forbidden other places, but not here. Unpolluted public beaches are fought for, but not here. And nothing says the Children's Pool will be a singularity.

Then came the sea lions. More plentiful, bigger, hungrier, nastier but more entertaining for tourists. Where they migrate, they deserve protection from impediment too. Where is protection for civil rights of people? Seals and sea lions are smart, adaptable and have run out of room to expand in other directions. The Coastal Commission has made its choices. We have right to be worried. Can you give some written guarantee the Coastal Act has not been permanently broken?

childrenspool@coastal.ca.gov

My name is Pattie Buchanan. When activists set out to force the City to abandon the Children's Pool to them and drive the pubic away I was there, on both sides.

My story really started back in 2005 when I started hanging around the Children's Pool quite a bit. There were people, young and old, kids playing and swimming and some seals in the water and on the beach. The seals for the most part spent their time over by the rocks by the sea wall but would travel all over the beach at will. This included, up to people, on their towels, in the middle of their games, and created many funny pictures. There were very few if any serious problems with seals back then. More problems with the sea gulls trying to steal our picnics. The seal population then was not large and did not create a big problem with beach or water cleanliness.

It was not until a few years later the movement to "SAVE THE SEALS" began. By that time, there were a few more seals on the beach and they were giving birth to pups. But there were still no seals being harassed or put in danger because people were used to seeing and being around seals and besides the seals continued to spend most of their time on the rocks near the sea wall and they were used to people and for the most part unafraid.

Around this time I became a member of Friends of the Seals, thinking it was an organization to educate the public and hand out information about the seals. I thought this was a good idea, something people were really interested in and the money went to education for the most part and outreach about seals. I wasn't until I had been a member for a while that the motivation of the group became clear to me. I also realized the information I had been give and was spreading to others was false, and manipulative to help them close the beach.

For a while after leaving Friends of the Seals and joining Friends of the Children's Pool I could still communicate with members of the FoS side and I tried to resolve problems on the beach with compromising on so many things. Nothing was ever agreed to by the radical anti-people group led by Dorota Vali of Animal Rescue and Protection League. I educated people and had them stand behind seaweed lines lain across the beach; I educated divers and had them enter the water in different areas away from the seals. But nothing would make the other side stop harassing the public and me for my attempts to re-create a shared use beach. Going to court with them was a joke because they had manufactured false evidence and inaccurate information from NOAA. Their organization lied to the public about people in FoCP, used physical force against us including battery, spitting on one of use, in their attempts to make us go away. My idea of blocking off an area for the seals on the side of the seawall did work. It was put into a plan by the lifeguards that was presented to the City but rejected

Subject: Fw: Fw: Claim your prize Hurry hurry, step right up.
From: Pattie Buchanan <pattielb44@yahoo.com>
Date: Sat, 3 Jul 2010 17:00:05 -0700 (PDT)
To: John Leek <jleek001@san.rr.com>

Yes you are confused. Ellen Shiveley is the president, and originally she and the blues backed me 110% But then Shannon who
is Secretary sent out her betrayal letter to Marjane, APRL (Dorota / Pease) and 100 other '*seal people'* . That's when I resigned
and left them in quite a mess as I'm really the only presence they had on the beach. APRL is a totally different organization from
the blues. The sign you referring to was there one day, David saw it. It had a diver on it, and the whole sign was going to be
enlarged 3x the size it was. But Ellen got iffy and put it on hold..... I don't expect anything!
That's way I became independent and believe me I'm having to fight light light hell to stay on the beach. They took away any
traces of my seaweed rope in the night because Pease wants as much chaos this weekend as possible to show the mayor next we
week for his next court date.

----- Forwarded Message ----
From: John Leek <jleek001@san.rr.com>
To: Pattie Buchanan <pattielb44@yahoo.com>
Sent: Sat, July 3, 2010 3:07:55 PM
Subject: Re: Fw: Claim your prize Hurry hurry, step right up.

Pattie Buchanan wrote:

> I am the person referred to who has never manged the rookery before and they have done such a good job, I think Ellen may cave.

It was cool Ellen thought to point out that Pease is free to make his human supported rope happen any time he wants. But I am confused. I thought Shannon Player had replaced Benner as president. Or did Shiveley replace her? In any event, I went out on a limb (nothing like you did) to back an agreement with some sort of officer of the Friends of the Seals. I have never seen this sign you had made that allowed as how divers get to go in in the right place. Will I ever, or is it already gone?
It does not seem like Friends of the Seals is an independent organization anyway, but operates under control of APRL.

San Diego Divers Club

My name is Pattie Buchanan.
I am a member of La Jolla Friends of the Seals, but my views and opinions expressed here are strictly my own and not representative of my group.

I am an advocate for sole seal occupancy of Casa Beach and would like to see a marine mammal sanctuary established for the seals, children and visitors to enjoy. I am also a diver and a realist. I know divers are here to stay, as is their legal right. Utopia is not coming to Casa Beach, where in everyone will have their wish. To continue to argue over where the seals came from, or what other beach the divers could use or even if the seals get to stay serves no point. Arguments about these things should stop. SB 428 added another use as you know - the beach may be used as “a marine mammal park for the enjoyment and education of children." The seals are here..... they're allowed to stay.

Divers may, and will continue to dive from this beach. Using proper diver etiquette, they would enter and exit the water to the far right side of the beach if seals are not present, allow the seals to approach them in the water, avoid their space near the rocks and avoid disturbing them in any way. When a diver enters the water and a small number of seals leave the beach to swim out to them, this should not be considered a flush as the seals are voluntarily pursuing an activity that seems to interest them.
Under these circumstances divers should not be harassed.

Concerning the council policy for shared use, the new management plan the city council has adopted for Casa Beach will take some cooperation by both pro-seal and pro-beach advocates to avoid frequent confrontations as has occurred in the past. My effort to separate seals and people by asking people to use only the half not occupied by seals does not seem to be entirely supported by either side. Seals need to be able to rest 10 -12 hours a day. The animals must have time to re-oxygenate their blood, sleep and socialize on the beach.
The rocks, if under water, are not always an option for this function. People are allowed under the City Council policy to go on the beach and enter the filthy water if they choose. Asking divers to use the right side of the beach, usually unoccupied by the seals which is my original Right for people, /Left for seals solution seemed a good compromise.

If well meaning divers, and there are some, will advocate for this "fair" way to "share" use of the beach access and in-shore swimming area. I will continue to educate members of my own organization and the general public on a workable shared use policy and stop the continual conflict. We must not continue to yell at each other from the sidewalk or from the sand, as it creates a negative experience for all concerned.

Would you join me in asking the Mayor to replace the rope, possibly dividing the beach into halves down the middle to the water line as a solution to a very chaotic situation?

Thank you,

Pattie Buchanan
LJFS
Beach docent scheduler

July 27th, 2012

From: Scott Anderson
San Diego Council of Divers
PO Box 84778
San Diego, CA 92138-4778

To whom it may concern:

Letter of appreciation,

This letter is to acknowledge the selfless effort provided by Pattie Buchanan in helping with our public education effort over the last few months. She has been punctual and efficient and been of great help.

The Council of Divers is a 501(c)(3) non-profit organization representing all the dive clubs in San Diego. We depend on our information table to meet and engage divers and swimmers who are interested in our organization and its goals.

Pattie's help has been much appreciated.

Scott Anderson
President San Diego Council of Divers
President@sddivers.com

From:	tbogey1@aol.com
To:	ChildrensPool@Coastal
Subject:	Children's Pool Access Ramp
Date:	Saturday, April 27, 2019 3:15:52 PM

Dear Sir/Madame,
Please restore this important ramp. This facility was created and funded as a "Children's Pool" with generous donations by a well known philanthropist, well before any of us were alive.To see this one of very few places that are safe for children of LaJolla and visitors from all around this planet, able body and handicapped, unable to use this facility is a horrible violation of the intent of the donor and a violation of the trust placed in our government by the donor.
Antonio Boghetich
8263 Camino del Oro
LaJolla. , Ca.

Sent from AOL Mobile Mail

From:	Shane Finnerty
To:	ChildrensPool@Coastal
Subject:	Childrens Pool Closure
Date:	Wednesday, May 29, 2019 3:21:28 PM

To whom it may concern,

I would like to voice my opinion that Childrens Pool (or at least a portion of it) should remain open to the public throughout the entire year. As an active spearfisherman, having a safe entry/exit point is vital to ensuring diver safety. The Childrens Pool provides one of the only truly safe entry/exit points for a diver to access the reefs in La Jolla. I have both witnessed, and personally experienced, some very dangerous situations trying to enter/exit over the rocky reefs at the bottom of the steep cliffs surrounding the Childrens Pool. Additionally, many divers attempt to access the kelp forests off of Point La Jolla by entering/exiting where the sea lions have taken up territory, presenting an entirely new danger to both human health and marine life.
If divers had a safe and protected entry/exit point such as the Childrens Pool, many injuries and even life-threatening situations could easily be avoided.
As a graduate student at Scripps Institution of Oceanography, I understand and support closing *part* of Childrens Pool to allow the harbor seals to pup. However, I believe that the beach can be shared by harbor seals and humans, in a way that benefits the seals and also ensures the safety and health of the public and dive community.

Thank you for your consideration,

--
Shane Finnerty
Graduate Student
Scripps Institution of Oceanography
University of California, San Diego
(360) 722 0268

From:	Mike Hennessy
To:	ChildrensPool@Coastal
Subject:	Childrens Pool La Jolla
Date:	Tuesday, May 21, 2019 5:21:41 PM

Gentlemen:

I have visited La Jolla annually for over 60 years. Both the natural beauty and the lovely "town" feeling have added to our visits. I do not come to see seals. I come to be in and around the ocean. I am against closing the Children's Pool.

One thing I have noticed over the years is that there are more people with good ideas than there are good ideas. There is a natural separation of ocean dippers that takes place in La Jolla due to ocean temperature. Very few humans are actually in the water for 9 or 10 months of the year. And the number of bathers during that short "season" is further limited by parking and access restraints. How can the few humans do damage to the seal population? Seals do not know you and do not need your protection.

Please keep in mind the uniqueness of this site for human recreation. A sensible parent might try to introduce their family to the unlimited power of the sea in a well protected place. The Children's Pool is perfect for this. Now comes some people with another "good idea" to limit human recreation in the ocean in favor of seals.

These people are both emotional and well meaning. They are also simply wrong about this place. It is spectacular, has been used for at least 50 years for swimming, one of the last breakwall protected swimming locations. This treasure should allow for humans, and if chosen by nature an occasional seal, but never be exclusive to animals over humans.

Mike Hennessy

From:	Bob Gibson
To:	ChildrensPool@Coastal
Subject:	Children"s Pool permit
Date:	Friday, April 26, 2019 1:26:21 PM

Melody Lasiter,

I would like to express my opposition to extending the permit that maintains a rope barrier and closure of the Children's Pool to public year-around access. What has historically made La Jolla unique is having a protected area for children to access the ocean. The name itself should attract locals and tourists alike who want to spend time at the beach in a protected environment for their kids.

The times, although now becoming fewer due to the seals, that I have recently gone to the Cove the first thing that hits me is the awful smell from the seals! With all of the park weddings, picnics and festivities, I still wonder in disbelief that the seal takeover continues to exist with so many other conflicting human activities in the area!

I'm hoping that the Commission sees the rationale and common sense in restoring the Children's Pool back to a sanctuary for children and their parents - something that E. B. Scripps fully intended to have ensured many years ago. She was right then as it should be right now. It's the perfect name and perfect environment for what many La Jollan's know is what makes their town unique.

Bob Gibson
Bob.Gibson@att.net
San Diego, CA

From:	Thomas Johnson
To:	ChildrensPool@Coastal
Subject:	Do not allow the Children"s Pool to be closed.
Date:	Wednesday, May 01, 2019 9:32:53 AM

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Please do not renew or extend permits, CDP # 6-14-0691 and CDP # 6-15-0223 authorizing the closing of Children's Pool Beach and rope barrier.

Please do not allow continuation of this bad policy forced on the people of San Diego. In the past, this review process has been a total surrender to false claims of seal harm and political correctness run amok.

The current conditional permit for beach closure has specific objectives required to improve sand and water quality and to improve access for the disabled. Those three conditions were studied and not surprisingly, The City claims all potential methods for improvement are not feasible.

1. "Examine the feasibility of ADA access."
2. "Examine water quality and determine any method to improve it."
3. "Analyze the quality of the sand and determine a method for improving it."

The City has done nothing but attempt to avoid responsibility for the impacts of this beach closure. They were not forced to do an environmental impact study for the negative impacts this has caused. Water quality is as bad as ever and will remain so unless something is changed in beach management. The sand is littered with seal waste and is never removed. It is driven down deep into the beach sand and contributes to the bad high fecal counts in the water. Swapping water quality standards from one long established method to another to imply improved water quality is not improving water quality at Children's Pool.

It is the duty of the Coastal Commission and their staff to review and scrutinize the City's claims for accuracy and legitimacy. I don't believe the City's when they claim there is nothing that can be done to improve conditions for the 7 month out of the year when people are using the beach. The cost to the City to make these improvements should be irrelevant since it was their option to seek beach closure and artificially shelter Harbor Seals on this popular man-made beach.

Unfortunately, the costs will be borne by the taxpayers for bad decisions made in the past but that cannot be used as an excuse to permit the continuing restrictions that are increasing the negative impact and causing polluted water and sand.

There is already a ramp at the Children's Pool down to the beach. If only the City would have opened that ramp they would have saved the very expensive cost of defending an ADA lawsuit. The money would have been better spent upgrading the existing ramp that would have fulfilled the condition in the current permit to improve access for the disabled. All in all, it was a very poor decision by the City which wasted hundreds of thousands of dollars and has done nothing but continue the discrimination against disabled people.

The Coastal Commission must impose clear and certain improvement standards for any permits extended for the City. They cannot be allowed to hinder beach access with such a complete restriction that circumvents the Coastal Act. The City cannot be allowed to block historic public access to the coast, and walk away without those public health and access standards being met. Extending the current permit while accepting the City's deception will be without factual reasoning entering into the process.

I am opposed to the renewal of Coastal Development Permits that allow the closure of Children's Pool Beach. This is an unnecessary action that infringes on Constitutionally protected coastal access rights and is contrary to the Children's Pool Trust granting State tidelands to the City of San Diego. The Tidelands Grant or Children's Pool Trust was created for the expressed purpose to be a park, playground and bathing pool for children.

Sincerely,

Thomas Johnson,

From:	Clark, Peter
To:	ChildrensPool@Coastal
Subject:	Do not allow the Children"s Pool to be closed.
Date:	Friday, April 26, 2019 8:58:07 PM

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Please do not renew or extend permits, CDP # 6-14-0691 and CDP # 6-15-0223 authorizing the closing of Children's Pool Beach and rope barrier.

Please do not allow continuation of this bad policy forced on the people of San Diego. In the past, this review process has been a total surrender to false claims of seal harm and political correctness run amok.

The current conditional permit for beach closure has specific objectives required to improve sand and water quality and to improve access for the disabled. Those three conditions were studied and not surprisingly, The City claims all potential methods for improvement are not feasible.

1. "Examine the feasibility of ADA access."
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The Coastal Commission must impose clear and certain improvement standards for any permits extended for the City. They cannot be allowed to hinder beach access with such a complete restriction that circumvents the Coastal Act. The City cannot be allowed to block historic public access to the coast, and walk away without those public health and access standards being met. Extending the current permit while accepting the City's deception will be without factual reasoning entering into the process.

I am opposed to the renewal of Coastal Development Permits that allow the closure of Children's Pool Beach. This is an unnecessary action that infringes on Constitutionally protected coastal access rights and is contrary to the Children's Pool Trust granting State tidelands to the City of San Diego. The Tidelands Grant or Children's Pool Trust was created for the expressed purpose to be a park, playground and bathing pool for children.

Most personally, a member of my family, Ellen B. Scripps, drew up the trust that created the Pool for swimming purposes. I often enjoyed the pool as a youth as well as in more recent life. My children learned to swim in the pool. The seal population enjoys multiple other haulout sites. A major motive in the suggested procedure is

commercial. That is not an appropriate motive, in my opinion, for the continued misuse of a major, historical recreational resource. Please very seriously consider the desires and interests of the very large number of persons who are not organized and not directly represented in these initiatives.
Thank you for your consideration.

Sincerely, Peter B. Clark, 7675 La Jolla Blv.d., Unit 203, La Jolla, CA.
A very concerned citizen.

From: mlaude@obunwired.com
To: ChildrensPool@Coastal
Subject: File No. 6-14-0691 A1 / 6-15-0223 A2
Date: Saturday, May 18, 2019 3:23:41 PM

Please, no more seasonal closures of the Children's Pool. The few swimmers & divers who are willing to brave the seal-poop-contaminated waters have no effect on seal reproductive success. If they did, so much the better; there are far too many seals & sea lions in La Jolla. What's the point of having a marine reserve if you allow seals & seal lions to eat every living thing? It's horrifying to swim & dive the cove and see the hundreds of fresh, shiny, empty abalone shells; the juvenile lobster carapaces; all testimony to the ravenous hunger of the hordes of pinnipeds.

Instead, please study methods of keeping the pinniped populations from exploding & destroying the fragile ecosystems we have all worked so hard to restore. Either that or figure out how to attract more killer whales to San Diego.

Thank you,
Mike Laude
4881 Orchard Ave.
San Diego, CA 92107

April 29, 2019

California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421
Attn: Melody Lasiter, Coastal Program Analyst

Opposition to renewal of CDP # 6-15-0223 Children's Pool rope barrier and CDP # 6-14-0691 seasonal beach closure.

Dear Ms. Lasiter,

Please **do not renew** the Coastal Development Permits for the Children's Pool rope barrier and the seasonal beach closure. The City of San Diego has applied to renew these permits for 10 years without improvements for disabled access, water quality and sand quality.

CDP # 6-15-0223 Children's Pool rope barrier:

1. The rope serves as a physical and psychological barrier for people who want to access the beach or ocean. People look down from the sidewalk and assume the beach is closed. This statement is confirmed in a report dated May 15, 2014 submitted by the City Ranger to the CCC. The rope discourages public access to the beach and ocean. This violates **Access section 30210** which refers to maximum access and violates **Access section 30211** which refers to development not interfering with access.

2. The seals are ***not*** a fragile coastal resource. The City of San Diego has no proof or evidence that the seals natural behavior or well-being has been significantly affected by human disturbance. The opposite is true since more pups are born and the rookery is expanding around the breakwater with pups born at South Casa Beach for the last 8 years.

3. Seal pup abandonment at Children's Pool is part of a normal life cycle and appears to happen much less frequently than the typical mortality rate in the wild. Premature and stillborn births are also a natural occurrence not related to human presence.

4. The permit application is ***not*** consistent with several sections of the Coastal Act. Specifically, the balancing sections of the Coastal Act, such as:

Chapter 1 Section 30007.5 The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of ***significant coastal resources***. In this context, the Legislature declares that broader policies which, for example, serve to

concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.

At this location the significant coastal resource is the ***historic*** Children's Pool. The State Tidelands Trust allowed for the building of the breakwater and defined the uses of the pool at this popular recreation area. It created a safe ocean pool for family and children to safely use behind the protection of the breakwater. The State Trust is being violated by the access restrictions caused by the rope and seasonal closure at Children's Pool.

The City's permit application is also ***not*** consistent with the State Constitution and the Children's Pool Trust in regards to protected fishing rights.

Coastal Act **section 30001.5** identifies goals including restoring the quality of the coast and maximizing public access along the coast. Children's Pool has always been a low cost recreational visitor amenity and now has been converted to a single purpose venue to the exclusion of all previous uses. Children's Pool provides ocean safety which cannot be provided at other beaches.

5. The City ***wrongfully*** determined that the proposed development (building a rope barrier) is categorically exempt under CEQA, Class 15333 which has to do with "Small Habitat Restoration Projects". Line (c) states "The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects". The City was allowed to get away with 2012 baseline data even though seal protective measures began long before that date and those protective measures have already had a negative impact on the environment.

Without an Environmental Impact Report (EIR), foreseeable *and* cumulative ecological consequences have been ignored. This violates CEQA policies.

CDP # 6-14-0691 seasonal beach closure:

The following statement was made in regards to the 2014 seasonal beach closure permit: Commissioner McClure: "I would like to make an amending motion to that motion and that is that During the 5-year period of the permit, the City **shall:** ***1.*** *Examine the feasibility of ADA access.* ***2.*** *Examine water quality and determine any method to improve it.* ***3.*** *Analyze the quality of the sand and determine a method for improving it."*

1. *"Examine the feasibility of ADA access."* The City states that the Department of Justice (DOJ) did not continue inquiring about ADA compliance at Children's Pool.

While this is true, it is because at that time of inquiry, the City was being sued for non-compliance and the federal government wanted to wait until the City case was over. The City erroneously claims that the lawsuit was withdrawn due to expert testimony. I attended the hearing and know for a fact that the plaintiff withdrew the case because of a ruling in Kirola v. City of San Francisco at the 9th Circuit Court of Appeals.

Those complaints are unresolved since “reasonable accommodation” is still not achieved at Children’s Pool. It appears the federal government has not followed up on the complaint so nothing is being pursued.

Although the ADA lawsuit was withdrawn, there is no reason why the City cannot make a “reasonable accommodation” to other disabled persons or general public who have trouble using stairs with no handrails. The City could:

a. Remove the 30” high concrete wall barrier. This wall is currently in violation of Children’s Pool Lifeguard Tower **CDP # 549686** which required access to the beach using this ramp.
b. Repair the ramp.
c. Open the gate at the ramp to restore historic public access to the beach. This ramp will serve additional purposes:
1. Allow equipment access to the beach in order to remove 5 months of seal waste accumulation as a result of the seasonal beach closure.
2. Remove dead seals. Last summer, after a citizen complaint, the City removed a dead seal which had been rotting on the beach for well over a week. It was towed out to sea and involved a few lifeguards and boat. A beach ramp would have made it easier to remove the carcass at much less expense.



3. Large sick animal rescue by Sea World. Last summer Sea World rescuers were aided by a member of the public to carry a young elephant seal up the 2 flights of stairs.



4. Uninterrupted beach access when the concrete stairs are closed for repair.

2. *"Examine water quality and determine any method to improve it."* The City proposes no action to improve water quality but instead, proposes to continue to monitor it in order to avoid the cost of mitigating the negative environmental impacts.

This do nothing approach will not improve the water which is related to the sand quality. Improving the sand quality, through obvious health and safety measures such as animal waste and carcass removal, will definitely improve the water conditions.

The City also concludes "…that water quality is good year round at Children's Pool Beach".

How can this be true when the beach is currently posted with WARNING/ADVISORY signs on the beach? Apparently the City has changed the testing standards to cover poor water quality.

3. *"Analyze the quality of the sand and determine a method for improving it."* The City claims:
a. Sand replacement will require maintenance and be expensive.

The City chose to change the State Tidelands Grant to create an incompatible "marine mammal park" at Children's Pool. Therefore, the City has a responsibility to maintain a clean and safe environment despite expense for its' citizens and tourists. Under CEQA, accumulation of seal waste was a foreseeable *and* cumulative ecological consequence and should be removed from sand before humans use the beach. The City did not consider the most obvious method to improve the sand quality. This method consists of removing seal poop with shovels, sifting rakes or mechanized sand sifter equipment. The beach access ramp facilitates that cleaning.

A manuscript posted on the National Center for Biotechnology Information website contains the following information, **Bacteria in beach sands: an emerging challenge in protecting coastal water quality and bather health** was written by **Elizabeth Halliday** and **Rebecca J. Gast.** This paper states: *"In summary, further research into the introduction, distribution and persistence of FIB and pathogens in beach sands, and the public health implications of these findings, is needed before any incorporation of beach sands into a monitoring framework should be considered... Likewise, maintaining the general sanitary condition of beach sands, through measures such as cleaning up dog feces and properly disposing of the human-generated garbage that may attract gulls or other animals, may help prevent illness until specific risks can be characterized with greater certainty."* Please see:
https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3109870/

Another article:
Beach sand and the potential for infectious disease transmission: observations and recommendations. In the summary and conclusion section, it states:

"*Contaminated sands present health and economic costs that can and should be known by decision makers, communities and by individuals."* Please see: https://www.cambridge.org/core/journals/journal-of-the-marine-biological-association-of-the-united-kingdom/article/beach-sand-and-the-potential-for-infectious-disease-transmission-observations-and-recommendations/358E2327F6F8FEF0ADA18F1022957CDC

A third manuscript posted on the National Center for Biotechnology Information website: **Routine screening of harmful microorganisms in beach sands: implications to public health.** Recommendations were made:
1) beach sand should be screened for a variety of pathogens harmful to human health, and sand monitoring should then be initiated alongside regular water monitoring;
2) sampling and analysis protocols should be standardized to allow proper comparisons among beach locations; and
3) further studies are needed to estimate human health risk with exposure to contaminated beach sand. Please see: https://www.ncbi.nlm.nih.gov/pubmed/24355396

b. Sluiceways have been sealed and the structural integrity will be compromised. A report, **Investigation of Children's Pool…** was prepared on 4/29/98 for the Parks and Recreation Department. In the conclusion section it states the sluiceways can be opened by removing the concrete plugs. The estimated cost was $40,000 plus cost of sand removal in 1998. Current costs will be higher but if cost is a concern for the City then they can withdraw their permit application.

Based on the above facts, I respectfully ask that the S.D. Coast District staff recommend denying renewal of the Children's Pool rope barrier and deny the seasonal beach closure until the City improves public access by complying with the intent of Commissioner McClure's amending motion. The intent is to improve beach access to the public, including the disabled, by means of a historically used ramp and to improve sand and water quality. These actions provide a safer and healthier beach for all including animals.

Sincerely,



Marie Hunrichs
mariehunrichs@cox.net

From: hannu mikkonen
To: ChildrensPool@Coastal
Cc: Hannu.mikkonen80@gmail.com
Subject: I OPPOSE THE RENEWAL OF PERMITS CLOSING CHILDREN"S POOL
Date: Thursday, May 16, 2019 1:00:10 PM

RE: CDP # 6-15-0223 Children's Pool rope barrier and CDP # 6-14-0691 beach closure permits.

I am opposed to the renewal of Coastal Development Permits that allow the closure of Children's Pool Beach. This is an unnecessary action that infringes on Constitutionally protected coastal access rights and is contrary to the Children's Pool Trust granting State tidelands to the City of San Diego. The Tidelands Grant or Children's Pool Trust was created for the expressed purpose to be a park, playground and bathing pool for children.

Tampering with the State tidelands grant has caused a huge financial burden on the citizens of California as the cost of this poorly thought out City experiment has spiraled out of control. Pollution on the sand and in the water has created a health hazard for visitors and wildlife. The historic beach access ramp has been closed to the public for over a decade with a new barrier wall blocking the ramp in violation of the City's Coastal Development Permit. The ramp should be restored and opened for public use.

This closure has provided limited benefits to seals who don't need the artificial shelter this beach provides. Harbor Seal populations are booming and spreading to other popular recreational beaches. Soon there will be a demand for more beach closures. How will those demands be denied when Children's Pool remains closed?

Beach closure places an undue burden on beach-goers wanting to use the sheltered beach provided by the Scripps gift of the seawall. The Coastal Commission must require specific standards for beach cleanliness for safety for swimmers and bathers as part of any permit renewal consideration.
I am an Immigrant from Finland, coming to San Diego when I was 5, in 1955.
My parents brought me to Casa cove, Children's pool, when I was 8 years old. It was a family oriented beach that had protection for young children and families because of the breakwall.
The beaches of La Jolla cove, boomer, Shell beach, Casa cove and the reefs and caves were my PLAYGROUND. As a young lad, my brother and neighbor taught me how to snorkel, spear fish and dive for abalone. We had infrequent visitors. Seals from Shell beach rookery where they have congregated since I was 8, 1958 was the Year.
I graduated from Helix high school, La Mesa and went on to live my life. I always came back to enjoy my beach, the Children's pool.
One of the most memorable opportunities that I have had was when I was able to get my Daughter, at age 7, in 1997, to able to see a school of fish under the water at Children's pool. We played all over the La Jolla coastline, but the Children's pool was home for us.
Very sad to see that Ellen Scripps legacy and our Children's pool has gone to waste with seal feces, unhealthy water qualities and the removal of handicapped access.
Been in this town since 1955 and simply aghast at the City of San Diego's and CALIFORNIA Coastal Commission's lawlessness. Give the Children's pool back to the Children. And that includes this 68 year old kid.

Thank you, Hannu Mikkonen

From: David Valentine
To: ChildrensPool@Coastal
Subject: I OPPOSE THE RENEWAL OF PERMITS CLOSING CHILDREN"S POOL
Date: Saturday, April 27, 2019 9:34:39 AM

David W. Valentine

7305 Monte Vista Avenue

La Jolla, CA 92037

Reference: CDP # 6-15-0223 Children's Pool rope barrier and CDP # 6-14-0691 beach closure permits.

To whom it may concern:

La Jolla is a suburb of San Diego. I am tired to San Diego looking at La Jolla as a cash cow they can kick as often as they please, I oppose outsiders (read here the City) pushing for a renewal of Coastal Development Permits that force the closure of Children's Pool Beach to residents. This is an unnecessary action that infringes on constitutionally protected coastal access rights and is contrary to the Children's Pool Trust. The Children's Pool was created expressly to form a park, playground and bathing pool for children. Pollution on the sand and in the water, which the City has ignored, has created a health hazard for visitors. The historic beach access ramp has been closed to the public for over a decade with a new barrier wall blocking the ramp in violation of the City's Coastal Development Permit. The City continues to ignore permits issued by you folks. They City, in it's present request, is trying to minimize the further expenditure of funds to return the Children's Pool to what it was designed for. Regardless of what you may have been told, harbor seal populations are booming and spreading to other popular recreational beaches. Soon activists will demand more beach closures. Beach closures, in general places an undue burden on beach-goers wishing to share our coastline unfettered

by threatened by those with an incomplete, or warped, view of harbor seals. Rather then denying beach access to tourists and residends alike the Coastal Commission must require specific standards for beach cleanliness and safety for swimmers and bathers as part of ***any*** permit consideration.

From: Donna Gookin
To: ChildrensPool@Coastal
Subject: I OPPOSE THE RENEWAL OF PERMITS CLOSING CHILDREN"S POOL
Date: Thursday, April 25, 2019 4:00:33 PM

RE: CDP # 6-15-0223 Children's Pool rope barrier and CDP # 6-14-0691 beach closure permits.

I am opposed to the renewal of Coastal Development Permits that allow the closure of Children's Pool Beach. This is an unnecessary action that infringes on Constitutionally protected coastal access rights and is contrary to the Children's Pool Trust granting State tidelands to the City of San Diego. The Tidelands Grant or Children's Pool Trust was created for the expressed purpose to be a park, playground and bathing pool for children.

Tampering with the State tidelands grant has caused a huge financial burden on the citizens of California as the cost of this poorly thought out City experiment has spiraled out of control. Pollution on the sand and in the water has created a health hazard for visitors and wildlife. The historic beach access ramp has been closed to the public for over a decade with a new barrier wall blocking the ramp in violation of the City's Coastal Development Permit. The ramp should be restored and opened for public use.

This closure has provided limited benefits to seals who don't need the artificial shelter this beach provides. Harbor Seal populations are booming and spreading to other popular recreational beaches. Soon there will be a demand for more beach closures. How will those demands be denied when Children's Pool remains closed.
My family and my friends families have been shut out of the place we most loved to swim and snorkle to see beautiful creatures that no longer exist! Seals have wiped out the inhabitants while increasing their numbers! In Baja I saw Seals living quite well in the sea without taking up a beach. We have limited places to enter the ocean where there is protection. My friends brought me to this beautiful place in the later 1930tys!
Beach closure places an undue burden on beach-goers wanting to use the sheltered beach provided by the Ellen Browning Scripps gift of the seawall. The Coastal Commission must require specific standards for beach cleanliness for safety for swimmers and bathers as part of any permit renewal consideration. Please take peoples needs of good clean exercise to heart!
Sincerely, Donna Freer Gookin

From:	Scott Barnett
To:	ChildrensPool@Coastal
Subject:	I OPPOSE THE RENEWAL OF PERMITS CLOSING CHILDREN"S POOL
Date:	Monday, April 22, 2019 11:36:52 AM

RE: CDP # 6-15-0223 Children's Pool rope barrier and CDP # 6-14-0691 beach closure permits.

I was a resident of La Jolla in the 60's as a child. Children's Pool was the only place I was allowed to swim with my supervision up on the bluff by the lifeguard station. This is a place for people and needs to be preserved for people. It is called Children's Pool for a reason.

I am opposed to the renewal of Coastal Development Permits that allow the closure of Children's Pool Beach. This is an unnecessary action that infringes on Constitutionally protected coastal access rights and is contrary to the Children's Pool Trust granting State tidelands to the City of San Diego. The Tidelands Grant or Children's Pool Trust was created for the expressed purpose to be a park, playground and bathing pool for children.

Tampering with the State tidelands grant has caused a huge financial burden on the citizens of California as the cost of this poorly thought out City experiment has spiraled out of control. Pollution on the sand and in the water has created a health hazard for visitors and wildlife. The historic beach access ramp has been closed to the public for over a decade with a new barrier wall blocking the ramp in violation of the City's Coastal Development Permit. The ramp should be restored and opened for public use.

This closure has provided limited benefits to seals who don't need the artificial shelter this beach provides. Harbor Seal populations are booming and spreading to other popular recreational beaches. Soon there will be a demand for more beach closures. How will those demands be denied when Children's Pool remains closed?

Beach closure places an undue burden on beach-goers wanting to use the sheltered beach provided by the Scripps gift of the seawall. The Coastal Commission must require specific standards for beach cleanliness for safety for swimmers and bathers as part of any permit renewal consideration.

From: diverdavid
To: ChildrensPool@Coastal
Subject: I OPPOSE THE RENEWAL OF PERMITS CLOSING CHILDREN"S POOL
Date: Monday, April 22, 2019 9:42:15 AM

RE: CDP # 6-15-0223 Children's Pool rope barrier and CDP # 6-14-0691 beach closure permits.

David Pierce
9344 Leticia Dr.
Santee, ca. 92071

I am opposed to the renewal of Coastal Development Permits that allow the closure of Children's Pool Beach. This is an unnecessary action that infringes on Constitutionally protected coastal access rights and is contrary to the Children's Pool Trust granting State tidelands to the City of San Diego. The Tidelands Grant or Children's Pool Trust was created for the expressed purpose to be a park, playground and bathing pool for children.

Tampering with the State tidelands grant has caused a huge financial burden on the citizens of California as the cost of this poorly thought out City experiment has spiraled out of control. Pollution on the sand and in the water has created a health hazard for visitors and wildlife. The historic beach access ramp has been closed to the public for over a decade with a new barrier wall blocking the ramp in violation of the City's Coastal Development Permit. The ramp should be restored and opened for public use.

This closure has provided limited benefits to seals who don't need the artificial shelter this beach provides. Harbor Seal populations are booming and spreading to other popular recreational beaches. Soon there will be a demand for more beach closures. How will those demands be denied when Children's Pool remains closed?

Beach closure places an undue burden on beach-goers wanting to use the sheltered beach provided by the Scripps gift of the seawall. The Coastal Commission must require specific standards for beach cleanliness for safety for swimmers and bathers as part of any permit renewal consideration.

Section B of the Childrens Pool trust States "the absolute right to fish over said land into said water" at ALL TIME.
The closure and no access is a clear violation of the trust.

The Seals should not be on display for our benefit on a man made public beach, by doing so is changing there behavior which is a violation of the Marine Mammal Protection Act.

Please keep the Seals safe and wild in there natural habitat, not on a beach made for children.

Sent from my Verizon, Samsung Galaxy smartphone

From: David Moss
To: ChildrensPool@Coastal
Subject: I OPPOSE THE RENEWAL OF PERMITS CLOSING CHILDREN"S POOL
Date: Sunday, April 21, 2019 10:45:24 AM

RE: CDP # 6-15-0223 Children's Pool rope barrier and CDP # 6-14-0691 beach closure permits.

I grew up in San Diego and my first place to learn to swim in the ocean was at the Children's pool in the 70s. There were never sea lions in the area and it was a lovely place. What has transpired since is saddening especially given the thousands of miles of coastline on the West coast.

I am opposed to the renewal of Coastal Development Permits that allow the closure of Children's Pool Beach. This is an unnecessary action that infringes on Constitutionally protected coastal access rights and is contrary to the Children's Pool Trust granting State tidelands to the City of San Diego. The Tidelands Grant or Children's Pool Trust was created for the expressed purpose to be a park, playground and bathing pool for children.

Tampering with the State tidelands grant has caused a huge financial burden on the citizens of California as the cost of this poorly thought out City experiment has spiraled out of control. Pollution on the sand and in the water has created a health hazard for visitors and wildlife. The historic beach access ramp has been closed to the public for over a decade with a new barrier wall blocking the ramp in violation of the City's Coastal Development Permit. The ramp should be restored and opened for public use.

This closure has provided limited benefits to seals who don't need the artificial shelter this beach provides. Harbor Seal populations are booming and spreading to other popular recreational beaches. Soon there will be a demand for more beach closures. How will those demands be denied when Children's Pool remains closed?

Beach closure places an undue burden on beach-goers wanting to use the sheltered beach provided by the Scripps gift of the seawall. The Coastal Commission must require specific standards for beach cleanliness for safety for swimmers and bathers as part of any permit renewal consideration.

From: Ed Harpin
To: ChildrensPool@Coastal
Subject: I OPPOSE THE RENEWAL OF PERMITS CLOSING CHILDREN"S POOL
Date: Saturday, April 20, 2019 10:45:27 PM

RE: CDP # 6-15-0223 Children's Pool rope barrier and CDP # 6-14-0691 beach closure permits.

As a longtime La Jolla resident I raised my children at the Children's Pool in the 1980s and 90s where we spent many happy and educational hours year-round exploring tide pools, playing on the sand, and swimming in the safe waters. The Children's Pool is the only ocean beach in La Jolla where it is safe for small children to play in the water, safe from undertows, rip currents and sharp dropoffs. I had hoped to provide the same experience for my grandchildren.

Therefore, I am opposed to the renewal of Coastal Development Permits that allow the closure of Children's Pool Beach. This is an unnecessary action that infringes on Constitutionally protected coastal access rights and is contrary to the Children's Pool Trust granting State tidelands to the City of San Diego. The Tidelands Grant or Children's Pool Trust was created for the expressed purpose to be a park, playground and bathing pool for children.

Tampering with the State tidelands grant has caused a huge financial burden on the citizens of California as the cost of this poorly thought out City experiment has spiraled out of control. Pollution on the sand and in the water has created a health hazard for visitors and wildlife. The historic beach access ramp has been closed to the public for over a decade with a new barrier wall blocking the ramp in violation of the City's Coastal Development Permit. The ramp should be restored and opened for public use.

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Beach closure places an undue burden on beach-goers wanting to use the sheltered beach provided by the Scripps gift of the seawall. The Coastal Commission must require specific standards for beach cleanliness for safety for swimmers and bathers as part of any permit renewal consideration.

Raoul Harpin

Sent from my iPad

From: Donna Gookin
To: ChildrensPool@Coastal
Subject: I OPPOSE THE RENEWAL OF PERMITS CLOSING CHILDREN"S POOL
Date: Saturday, April 20, 2019 9:53:49 PM

RE: CDP # 6-15-0223 Children's Pool rope barrier and CDP # 6-14-0691 beach closure permits.

Iam opposed to the renewal of Coastal Development Permits that allow the closure of Children's Pool Beach. This is an unnecessary action that infringes on Constitutionally protected coastal access rights and is contrary to the Children's Pool Trust granting State tidelands to the City of San Diego. The Tidelands Grant or Children's Pool Trust was created for the expressed purpose to be a park, playground and bathing pool for children.

Tampering with the State tidelands grant has caused a huge financial burden on the citizens of California as the cost of this poorly thought out City experiment has spiraled out of control. Pollution on the sand and in the water has created a health hazard for visitors and wildlife. The historic beach access ramp has been closed to the public for over a decade with a new barrier wall blocking the ramp in violation of the City's Coastal Development Permit. The ramp should be restored and opened for public use.

This closure has provided limited benefits to seals who don't need the artificial shelter this beach provides. Harbor Seal populations are booming and spreading to other popular recreational beaches. Soon there will be a demand for more beach closures. How will those demands be denied when Children's Pool remains closed?

Beach closure places an undue burden on beach-goers wanting to use the sheltered beach provided by the Scripps gift of the seawall. The Coastal Commission must require specific standards for beach cleanliness for safety for swimmers and bathers as part of any permit renewal consideration.
I first learned to swim while looking at the abundant sea life through the pristine water that was the Children's Pool. I could see bat stars, brittle stars, translucent anenomes and millions of tiny fish~. I loved this area and over years I and others found it to be a good place to enter the water and enjoy good exercise and exhilaration! Once this rope was put up and people were discouraged from swimming there the seals multiplied and the ramp to the beach got changed by construction to discourage people! Please return this place to us who like to exercise and enjoy the area!

Sincerely, Donna Gookin (Native San Diego resident) 1936 -2019)

From: Cheri Jacobs
To: ChildrensPool@Coastal
Subject: I OPPOSE THE RENEWAL OF PERMITS CLOSING CHILDREN"S POOL
Date: Friday, April 26, 2019 10:56:42 PM

RE: CDP # 6-15-0223 Children's Pool rope barrier and CDP # 6-14-0691 beach closure permits.

We have more than 38,000 limbless military veterans from the illegal post 9/11 wars now. More than 20 each day commit suicide they are so horribly depressed from nightmares and pain. The Children's Pool was built by Ellen Browning Scripps and when asked why this is what Ms. Scripps replied: " I am building it for children and especially for those handicapped in life's game". The Children's Pool is the only ocean pool of it's kind in the world. It should be hosting the Disabled Swimming Championships and triathlons. It has 'the only dedicated vertical easement ramp into the real Pacific Ocean from Canada to Cabo. What kind of people are you to deny the disabled their pool? Go ask Sea World to properly administer birth control laced fish to the female pinnipeds so their serious over populations can reduce to be in harmony with their environment. They have caused a Dead Zone and serious depletion of the fish stocks all along the La Jolla Coastline. The Garibaldi populations have seriously decline. Where once one would see thousands of yellow fish from the upper walkways over the ocean, no more. The seals and sea lions have devoured all the fish. Now one is lucky to see even one Garibaldi. The Garibaldi is the California State Marine Fish and IS protected. Seals are more populated that the common park pigeon as per the Scientific Red List.
There are way way too many of them. Now they venture out farther to find the remaining fish stocks and are devouring the dolphins food now. A regular population for a natural seal lion colony is about 15 total, not 1500! Sea World dropped those off the La Jolla Coastline beginning in 1999 without ever doing an EIR to ascertain IF the local underwater environment can sustain them and their subsequent offspring. And now all these years later the La Jolla Coastline is now a virtual dead zone because of them eating everything and their feces polluting the rest. The California Black Muscle is totally gone from the Children's Pool now. Not even their shells remain. I used to be able to snorkel and bring home a mussel dinner, no more, all gone now.

Ms. Scripps left the Children's Pool in a Tideland's Trust to be kept up and cared for. Hiram Savage was the famous hydro engineer that took 10 years of his life to construct the Children's Pool with four sluiceways to be the filter to keep the sand out. The city has not honored the Trust Ms. Scripps was promised. The City of San Diego has never taken care of the wall, it is crumbling. The Children's Pool qualifies as a National Treasure and should be serving the one in five disabled people we have

in our country. I saw a quadriplegic man scuba dive at the Children's Pool and have swam with a friend who is a paraplegic . The sea wall was built to block the waves and provide protection. There used to be a net stretched across to the bluff to keep kids in. There should be an entire row of handicapped parking so the disabled swimmer can access their pool especially built for them and not for seals. The seals do not need the protection of the wall and they sure as heck do not need a lifeguard. They have thousands of miles of beaches that do wash clean to have their pups on. It is not natural for a seal to give birth in its own feces.

Please do the wise and common sense thing and remove all rope barriers forevermore from the Children's Pool. It is a designated playground according to the Trust left by Ms. Scripps that is very much in effect or damn well should be. The crooked City Attorney went to Sacramento and amended her Trust to add Marine Mammal Park to it after the O'Sullivan Case and Judge Pate ruled to keep out the seals, and remove the sand so it can be used as entrusted for a Children's pool and fishing in perpetuity. How would you like it if someone went and changed your will after you died on your Children? This is a violation of the intention of the Trust and the intention of the pool that took 10 years to build.

How can you call yourself an American to allow such a violation of a person's trust and gift and one that is for the disabled who can not wheel a wheelchair over a sand beach and who can not swim out through waves, but at the Children's Pool a paraplegic can wheel himself down a ramp and get into the water to swim all by himself. Why in the world would you take away the only ocean pool with the only dedicated vertical easement ramp from the disabled?

Our Disabled Navy Seals need the Children's Pool in La Jolla our Nations ONLY ManMade Ocean Pool. The harbor seals have every other beach along the California Coastline. Look to our sister city Sydney Australia, they have 50 ocean pools built into the cliffs of their coastline. Some are over a 100 years old and they are maintained always, look beautiful, have lifts and ramps for the disabled and do not allow seals in their pools. They love their seals but do not love them in their pools pooping. Common sense. Please have some for God's sake. By the time you lay your head to sleep tonight another 20 veterans will have blown his brains out. And we have much more than our fair share in San Diego and that is a fact you can verify. Swimming is the ONE sport a disabled person can do. I am disabled with a broken neck, two metal hips and a metal knee. The Children's Pool has healed me through 11 surgeries. Why would you take that therapy pool away from us? Swimming increases the brain endorphins and fights depression, being out in the mineral water of the ocean is better than epsom salts, the sun increases the good happy hormones and the circulation, the cardiovascular and range of motion that swimming in the ocean provides just may save a life from suicide. It is called dignity,

to be able to get out of your car, get into your wheelchair, roll yourself down a ramp and get in the Children's Pool. Dignity, the Children's Pool can provide dignity for the disabled. And the seals are part of the therapy, they've imprinted on humans at birth. They should be doing studies on how well humans and seals DO interact at the Children's Pool. They follow me around for hours as pals. And that is a fact too. Get it straight please. It is the only place that a drowning person can swim into safely there are no rip tides. It is our only Ocean swimming pool and the safest place to enter and exit along the entire California Coastline, What is wrong with your thought patterns to close out safety? Switch it up to the wise thing, to restore the Children's Pool and make it the Best ADA OceanPool in the world serving our people. Please.

Please Restore Ellen Browning Scripps Tideland's Trust to Protect and Restore the Children's Pool for the intent it was built: "FOR CHILDREN AND ESPECIALLY FOR THOSE WHO ARE HANDICAPPED IN LIFE'S GAME"

I am opposed to the renewal of Coastal Development Permits that allow the closure of Children's Pool Beach. This is an unnecessary action that infringes on Constitutionally protected coastal access rights and is contrary to the Children's Pool Trust granting State tidelands to the City of San Diego. The Tidelands Grant or Children's Pool Trust was created for the expressed purpose to be a park, playground and bathing pool for children.

Tampering with the State tidelands grant has caused a huge financial burden on the citizens of California as the cost of this poorly thought out City experiment has spiraled out of control. Pollution on the sand and in the water has created a health hazard for visitors and wildlife. The historic beach access ramp has been closed to the public for over a decade with a new barrier wall blocking the ramp in violation of the City's Coastal Development Permit. The ramp should be restored and opened for public use.

This closure has provided limited benefits to seals who don't need the artificial shelter this beach provides. Harbor Seal populations are booming and spreading to other popular recreational beaches. Soon there will be a demand for more beach closures. How will those demands be denied when Children's Pool remains closed?

Beach closure places an undue burden on beach-goers wanting to use the sheltered beach provided by the Scripps gift of the seawall. The Coastal Commission must require specific standards for beach cleanliness for safety for swimmers and bathers as part of any permit renewal consideration.

I request that you view the following clips of video information for your knowledge as you do serve the people of California and not special interests.

This is a video of paraplegic Jack Robertson swimming from his wheelchair into the Children's Pool. Please make sure you watch this: https://www.youtube.com/watch?v=hV-d8f7W-eY

https://www.youtube.com/watch?v=nNITHNVsv8s

Cheryl K. Aspenleiter
279 San Dimas Ave,
Oceanside, CA 92057
858 568 1257



From:	A
To:	ChildrensPool@Coastal
Subject:	Keep the beach open and accessible to people
Date:	Sunday, May 12, 2019 10:59:52 PM

Coastal Commission,

Just a quick reminder that going to the beach is not a crime.

If you have any influence at all over the City of San Diego regarding the Children's Pool (CP) access, please direct them to stop closing the beach to humans in an area designed for humans. As a scuba diver, snorkeler, and ocean swimmer who enjoys all coastal access, the winter closure and rope barrier is not in keeping with coastal access laws. How the City can thumb their noses at the law and use taxpayer dollars to appeal court rulings, present specious arguments to create a folly of the court system should also be interpreted as an affront to the hard work the Coastal Commission does to protect the laws of the coast.

Do your best to bring sanity back to the CP problems the City has created and now attempts to solve with unlawful beach closures, by opening the CP year round and making the area safe for human beach-goers of all ages. If that means cleaning, sharing, or removing the seals from the beach, then use your power to put this provincial little City in check before they create greater problems in the future for you to solve.

Not a criminal swimmer,
Aren38

From:	Volker Hoehne
To:	ChildrensPool@Coastal
Cc:	Mario Gattuso G SDF 2016; lcox@md7.com
Subject:	La Jolla Childrens pool
Date:	Monday, May 13, 2019 3:26:16 PM

Honorable Commissioners,
Please do not extend the seasonal closure of Children's pool in La Jolla. Children's pool artificial sea wall provides the only safe entry and exit point for spear fishermen. We cannot access the ocean at La Jolla cove which is in a Marine Protected Area. We need to access the ocean to feed our families with sustainably harvested sea food.

San Diego Freedivers was founded in 1994 with the purpose of supporting a fellowship among Southern California's freedivers, preserve the history of freediving and spearfishing, promote proper stewardship of our marine resources, and to encourage competition and good sportsmanship. San Diego Freedivers has 123 paid members and 395 affiliated members.

Volker Hoehne
619-994-4175
Vice President of San Diego Freedivers

From:	Shane Cutler
To:	ChildrensPool@Coastal
Subject:	Please move to open the Children's Pool open to people all year
Date:	Friday, April 19, 2019 4:22:53 PM

Please move to open the Children's Pool open to people all year. Seals and Sea lions are not endangered. They are everywhere and they attract sharks to where we swim, dive and play in La Jolla.

The children's pool was a gift to us so that children can have a safe swim area, it should be used accordingly.

I am a diver and love swimming and playing with the seals and sea lions underwater, however they are now venturing into the streets, restaurants and people's yards. We do not need a dedicated viewing area, there are a vast amount of seals and sea lions all over La Jolla.

Again, they ARE NOT threatened or endangered. We need to keep our historic gift operational year round.

Shane Cutler

From: parmil [mailto:parmil@cox.net]
Sent: Monday, April 29, 2019 9:44 AM
To: ChildrensPool@Coastal
Subject: Deny SD application for Children's Pool Closure Extension

Ca Coastal Commission: ***I stand with the***

1. La Jolla Community Planning Association, and the

2. La Jolla Parks + Beaches In.

in urging the CCC deny renewal of both

1. the currently existing Alternating Rope Barrier, and

2. the Closure to the public of Children's Pool beach in La Jolla.

I base my opinion on the following:

1. As regards the **city's response to the CCC's conditions for the Beach Closure Permit (CDP#6-14-0691):**

A. **"Examine the feasibility of ADA access"** While IDed as a public access in the La Jolla Community Plan, the ADA ramp that previously existed down to the pool (an unparalleled protected open ocean access in San Diego County, if not all of California- once the beach is reached), is now permanently blocked by an un-permitted, approved, and unauthorized concrete wall. It was quietly introduced in conjunction with the rebuilding of the lifeguard/restroom building that the city finally constructed after the allowing the deterioration of the previously existing concrete building to the point of ruin and condemnation. This replacement did not occur until after years of temporary building and a scaffold rigged lifeguard tower, further obstructing the site for both the able bodied and disabled public. This typifies the city's regard for the terms of the Trust Deed through which the city gained title to Children's Pool around 1930. Specifically the city obligation to maintain it for the continuing safety and enjoyment of the children of San Diego. The city has spent more resources fighting lawsuits demanding ADA access at this completely artificial man made jetty, than it would have taken to restore and reopen the previously existing ramp. The city has not even complied with it's own development permit requiring emergency vehicle access to the beach when they constructed the new building (CDP#549689).

B. **"Examine water quality and determine any method to improve it. "** The city has not met state water quality standards at Children's Pool for decades, because they have taken no action to reduce seal waste overload on the beach. On the contrary, their collusion with Sea World for more than 15 years to release harbor seals accustomed to human proximity there, together with the lifeguard rope installation . The children's pool area has never been a haulout

for these skittish animals, and it is only these events that has thwarted normal human use of the area (constructed and deeded to the city for the protection of of our children from the exposed open ocean conditions. The ensuing lack of human use is the proximate cause of the now 300+ harbor seal population there, causing the **decimation of underwater fauna there, and in the nearby La Jolla Underwater Protected Area** near the LJ Cove (the nearest thing we have ever had to a Marine Protected area).

C. **"Analyze the quality of the sand, and determine a method for improving it."** Two decades of seal waste accumulation on Children's Pool Beach has negatively impacted water and sand bacteria levels. There is no shared use when summer season starts when beach goers are faced with a beach full of seal waste from the previous closed season. Regular beach cleaning the currently vehicular inaccessible beach would be possible from an ADA ramp. Even with the conditions placed on the beach closure permit by the CCC, the city refused to clean the beach, as was done regularly, in the past.

Long term renewal of the current permits will foreclose on any discussion of alternative ways to provide for better access, while protecting wildlife (that are in no way under threat). On the contrary, the pinniped population is booming world wide, from Pt. Loma and Channel island rookeries, up and down the West and East US Coast. Consequent, of course, to their population boom, is the increase in their predator population, **most notably the great white shark problem related to the gray and harbor seal population in Cape Cod.** But I digress.

Children's Pool Rope barrier (CDP#6-15-0223)

The rope barrier blocking access across 152 feet of a 155 foot wide beach is an encroachment on an established physical access way to the shoreline in violation of the Coastal Act. A summertime rope barrier cannot be justified or permitted to remain in it's current form. Any access restrictions must change with changing conditions every day . A city ranger was hired and should be used for this specific purpose.

La Jolla Parks + Beaches Inc. (An entity chartered to provide advice on processes in La Jolla, with it's special use permit), **offers the following in a letter to the SD Park + Recreation Dept:**

Do not renew. It is not in the best interest of Park + Rec or it's charter to change the purpose of a dedicated public beach (+ parkland) from public use to a closed state animal reserve, though a City Council majority wanted it for tourism. When the city sought to alter the Children's Pool Trust to allow shared use (establishing marine animal park in addition to the trust deed conveying Children's Pool for the protection and enjoyment of the children of SD and requiring the city to maintain the breakwater-both of which were largely neglected by the city), the city attorney did using City Lobbyists in Sacramento, (as the SD Association of Governments).

Due to unforeseen cost and liability in the permit process, past + future. Park + Rec. should not be committed to an expensive, never ending and dangerous path to it's disadvantage. Legal action to protect the CP closure permit has cost a fortune, and future implementation will cost P+R forever. Evidence P+R has submitted does not verify seal pup abandonment (P+R accepted signs off record from NOAA Long Beach in Jan2017 to post @ rookeries - unsubstantially

claiming people visiting beaches caused pup abandonment), and no enforceable offenses seen against seals.

Solicit needed legal opinions from the City Attorney. This renewal relies on a successful appeal seeming to reverse a Superior Court ruling that the closure was illegal under MMPA section 109a. **But the appeal ruling did not address that issue. They ruled the Coastal Act to grant a permit to San Diego to proceed anyway.**

City Attorney questions -

1. Can the Commission under the Coastal Act legally issue a permit to SD to violate other laws, but leave SD liable for then enforcing the illegality?

2. Who now enforces, when CCC does not respond on beaches with pinnipeds? Hopefully not scarce rangers or lifeguards or police. Suggest Ca Fish + Wildlife dept. should monitor and enforce animal harassment under Ca Code 251.1.

3. If future marine mammal/citizen approach conflicts are to be resolved per conformance to the Coastal Act, then enforced by whom?

4. P+R needs City Attorney indemnifications against any charges P+R staff has held private undocumented meetings with Commission Staff or Noaa in violation of the Brown Act.

Two decades ago, the city refused to follow NOAA/NMFS recommendations to discourage harbor seals from establishing a colony on Children's Pool Beach. The latest opinion from NOAA is **they do not think beach closure was necessary to prevent disturbance of the seals.** The closure has led to increased pollution in the sand and water. This represents a degradation of the coastal access protections in the Coastal Act. **Encouragement of pinnepeds and their predators has lead to an increased risk of injury to those in the water,** for the apparent city desire to encourage tourism with a free Sea World North for the visitor to La Jolla.

Please reject the city's application for beach closure permit extensions without imposing intended improvement standers. Instead please require a better beach management plan that accommodates all users of the beach with clean sand and water.

The Beach closure was an expensive and extreme measure which has encouraged colonization by more seals and sea lions in the pool, and nearby beaches. This will lead to more demands for more closed beaches as popular urban recreation beaches are occupied by the growing seal, and seal predator population, encouraged as it is by the Federal Marine Mammal Protection Act, with no end in sight. This is of great concern by all of us wanting to maintain and improve coastal La Jolla access to it's beautiful and diverse underwater ecosystem.

I personally greatly resent all the expensive, ill thought out and irresponsible wasteful actions the city has for years pursued at the expense of all the legitimate expenses they should be using our tax dollars for. Especially as **it puts all of we the public at risk while try**

to enjoy being near, in or in the ocean. Coincident with the artificial encouragement of pinnepeds, divers have recorded the increasing presence of **seven gill sharks.** Capable of biting a leopard shark (known to achieve a length of 5-7 feet) in half, and known pinneped predator, these animals were seldom seen before the rise of the seal population. When the Solana Beach Dentist bled out and died and the wading beach goer was attacked at San Onefre, great white sharks were implicated. These are the first attacks noted in the San Diego area for many years.

Please reject the city's application for beach closure without imposing intended improvement standards.

Philip Miller, RN and former independent scuba instructor

From: smedak
To: ChildrensPool@Coastal
Subject: Children"s Pool San Diego
Date: Tuesday, May 07, 2019 12:28:03 PM

Dear California Coastal Commission,

We are devastated in the destruction of children's pool. It is a crime that this beautiful gift to us and future generations has been stolen.

We all owe such a debt of gratitude to Ellen Browning Scripps for her generosity and future vision that made Children's Pool and Torrey PInes State Park possible. She thought about future generations. She thought about our children. How can we repay her kindness? So far we are desecrating her memory by destroying her gift.

The exclusion of our children and their children has been replaced by ONE species and has left the water polluted, the sand soiled and the air putrefied.

Children's pool was once a sparkling gem. My husband Stephen, a native San Diegan, has fond memories of playing at Children's Pool. That was when you could breath in the fresh ocean air. Our precious children could dig in the sand and frolic in the gentle ocean waves.

Please do not continue this travesty. Please give back this cherished treasure to ALL the natural habitat. Give back this one-of-a-kind ocean shore line to all of us. Give back Children's Pool to the children.

Sincerely,

Susan and Stephen Medak
4733 Lucille Drive
San Diego, CA 92115-1928

From: Ryan Sweeney
To: ChildrensPool@Coastal
Subject: Children"s Pool should remain open for HUMAN USE all Year
Date: Tuesday, May 21, 2019 8:26:28 AM

It is painful to have to write this letter after so many years of this issue dragging on. The Children's Pool Beach in La Jolla was clearly and absolutely built for the community to enjoy safe access to the ocean. It is a truly unique location that we know is entangled in a political conflict that is out of alignment with the trust in which the city took responsibility to uphold. KEEP CHILDREN'S POOL BEACH OPEN FOR HUMAN USE. No wildlife is in danger by doing so.

At this location the significant coastal resource is the historic Children's Pool. The State Tidelands Trust allowed for the building of the breakwater and defined the uses of the pool at this popular recreation area. It created a safe ocean pool for family and children to safely use behind the protection of the breakwater. The State Trust is being violated by the access restrictions caused by the rope and seasonal closure at Children's Pool.
The City's permit application is also not consistent with the State Constitution and the Children's Pool Trust in regards to protected fishing rights.

"Since the source and level of the pollution remains constant most of the time at the Children's Pool, the County put the Pool on a chronic advisory status. The County has classified the Children's Pool as being polluted 365 days per year, from 1997 to the present. The next most contaminated beach, in terms of days of closure or advisory, has been the Tijuana River Slough, which is polluted on average 149 days a year. [Exhs. 197, 198, 199.]"

Sincerely,

Ryan Sweeney
San Diego, 92111

From: hreeves68@gmail.com
To: ChildrensPool@Coastal
Subject: closure of the children"s pool
Date: Tuesday, May 28, 2019 1:50:02 PM

Hello,

I am writing to express my opinion on the proposed closure of the Children's Pool in La Jolla.

I am extremely disappointed that Surfrider foundation is not opposing this formally because we all know that RESTRICTION FOR ONE IS RESTRICTION FOR ALL.

I noticed cones down by the Cove. If this continues, more and more of the beach will become inaccessible to the public due to seal activists. While the ocean does in fact belong to them, the beaches, belong to humans just as much as animals. So whether it's a billionaire at trestles or an animal activist in La Jolla, I don't see the difference. Again, if we restrict the beach, we will all end up losing eventually.

I don't understand why simply ticketing offenders the same way you would deal with alcohol or other related offenses isn't sufficient.

And lastly, when I see small children suited up and excited to go to the "children's pool", which was created specifically for them, only to find it closed off, I find it incredibly disheartening. Other philanthropist surely take note of this abuse of the original intent of the gift to the city. Because these small children really do not have other equally safe places to swim in La Jolla when you consider the rip tide activity.

Please Please Please reconsider this and do not close this beach. The beach is meant for everyone.

Thank you and best regards,
Heather Reeves

From: parmil
To: ChildrensPool@Coastal
Subject: Deny SD application for Children"s Pool Closure Extension
Date: Monday, April 29, 2019 9:42:29 AM

Ca Coastal Commission: *I stand with the*

1. La Jolla Community Planning Association, and the

2. La Jolla Parks + Beaches In.

in urging the CCC deny renewal of both

1. the currently existing Alternating Rope Barrier, and

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I base my opinion on the following:

1. As regards the **city's response to the CCC's conditions for the Beach Closure Permit (CDP#6-14-0691):**

A. **"Examine the feasibility of ADA access"** While IDed as a public access in the La Jolla Community Plan, the ADA ramp that previously existed down to the pool (an unparalleled protected open ocean access in San Diego County, if not all of California- once the beach is reached), is now permanently blocked by an un-permitted, approved, and unauthorized concrete wall. It was quietly introduced in conjunction with the rebuilding of the lifeguard/restroom building that the city finally constructed after the allowing the deterioration of the previously existing concrete building to the point of ruin and condemnation. This replacement did not occur until after years of temporary building and a scaffold rigged lifeguard tower, further obstructing the site for both the able bodied and disabled public. This typifies the city's regard for the terms of the Trust Deed through which the city gained title to Children's Pool around 1930. Specifically the city obligation to maintain it for the continuing safety and enjoyment of the children of San Diego. The city has spent more resources fighting lawsuits demanding ADA access at this completely artificial man made jetty, than it would have taken to restore and reopen the previously existing ramp. The city has not even complied with it's own development permit requiring emergency vehicle access to the beach when they constructed the new building (CDP#549689).

B. **"Examine water quality and determine any method to improve it. "** The city has not met state water quality standards at Children's Pool for decades, because they have taken no action to reduce seal waste overload on the beach. On the contrary, their collusion with Sea World for more than 15 years to release harbor seals accustomed to human proximity there, together with the lifeguard rope installation . The children's pool area has never been a haulout for these skittish animals, and it is only these events that has thwarted normal human use of the area (constructed and deeded to the city for the protection of of our children from the exposed open ocean conditions. The ensuing lack of human use is the proximate cause of the now 300+ harbor seal population there, causing the **decimation of underwater fauna there, and in the nearby La Jolla Underwater Protected Area** near the LJ Cove (the nearest thing we have ever had to a Marine Protected area).

C. **"Analyze the quality of the sand, and determine a method for improving it."** Two decades of seal waste accumulation on Children's Pool Beach has negatively impacted water and sand bacteria levels. There is no shared use when summer season starts when beach goers are faced with a beach full of seal waste from the previous closed season. Regular beach cleaning the currently vehicular inaccessible beach would be possible from an ADA ramp. Even with the conditions placed on the beach closure permit by the CCC, the city refused to clean the beach, as was done regularly, in the past.

Long term renewal of the current permits will foreclose on any discussion of alternative ways to provide for better access, while protecting wildlife (that are in no way under threat). On the contrary, the pinniped population is booming world wide, from Pt. Loma and Channel island rookeries, up and down the West and East US Coast. Consequent, of course, to their population boom, is the increase in their predator population, **most notably the great white shark problem related to the gray and harbor seal population in Cape Cod.** But I digress.

Children's Pool Rope barrier (CDP#6-15-0223)

The rope barrier blocking access across 152 feet of a 155 foot wide beach is an encroachment on an established physical access way to the shoreline in violation of the Coastal Act. A summertime rope barrier cannot be justified or permitted to remain in it's current form. Any access restrictions must change with changing conditions every day . A city ranger was hired and should be used for this specific purpose.

La Jolla Parks + Beaches Inc. (An entity chartered to provide advice on processes in La Jolla, with it's special use permit), **offers the following in a letter to the SD Park + Recreation Dept:**

Do not renew. It is not in the best interest of Park + Rec or it's charter to change the purpose of a dedicated public beach (+ parkland) from public use to a closed state animal reserve, though a City Council majority wanted it for tourism. When the city sought to alter the Children's Pool Trust to allow shared use (establishing marine animal park in addition to the trust deed conveying Children's Pool for the protection and enjoyment of the children of SD and requiring the city to maintain the breakwater-both of which were largely neglected by the city), the city attorney did using City Lobbyists in Sacramento, (as the SD Association of Governments).

Due to unforeseen cost and liability in the permit process, past + future. Park + Rec. should not be committed to an expensive, never ending and dangerous path to it's disadvantage. Legal action to protect the CP closure permit has cost a fortune, and future implementation will cost P+R forever. Evidence P+R has submitted does not verify seal pup abandonment (P+R accepted signs off record from NOAA Long Beach in Jan2017 to post @ rookeries - unsubstantially claiming people visiting beaches caused pup abandonment), and no enforceable offenses seen against seals.

Solicit needed legal opinions from the City Attorney. This renewal relies on a successful appeal seeming to reverse a Superior Court ruling that the closure was illegal under MMPA section 109a. **But the appeal ruling did not address that issue. They ruled the Coastal Act to grant a permit to San Diego to proceed anyway.**

City Attorney questions -

1. Can the Commission under the Coastal Act legally issue a permit to SD to violate other laws, but leave SD liable for then enforcing the illegality?

2. Who now enforces, when CCC does not respond on beaches with pinnipeds? Hopefully not scarce rangers or lifeguards or police. Suggest Ca Fish + Wildlife dept. should monitor and enforce animal harassment under Ca Code 251.1.

3. If future marine mammal/citizen approach conflicts are to be resolved per conformance to the Coastal Act, then enforced by whom?

4. P+R needs City Attorney indemnifications against any charges P+R staff has held private undocumented meetings with Commission Staff or Noaa in violation of the Brown Act.

Two decades ago, the city refused to follow NOAA/NMFS recommendations to discourage harbor seals from establishing a colony on Children's Pool Beach. The latest opinion from NOAA is **they do not think beach closure was necessary to prevent disturbance of the seals.** The closure has led to increased pollution in the sand and water. This represents a degradation of the coastal access protections in the Coastal Act. **Encouragement of pinnepeds and their predators has lead to an increased risk of injury to those in the water,** for the apparent city desire to encourage tourism with a free Sea World North for the visitor to La Jolla.

Please reject the city's application for beach closure permit extensions without imposing intended improvement standers. Instead please require a better beach management plan that accommodates all users of the beach with clean sand and water.

The Beach closure was an expensive and extreme measure which has encouraged colonization by more seals and sea lions in the pool, and nearby beaches. This will lead to more demands for more closed beaches as popular urban recreation beaches are occupied by the growing seal, and seal predator population, encouraged as it is by the Federal Marine Mammal Protection Act, with no end in sight. This is of great concern by all of us wanting to maintain and improve coastal La Jolla access to it's beautiful and diverse underwater ecosystem.

I personally greatly resent all the expensive, ill thought out and irresponsible wasteful actions the city has for years pursued at the expense of all the legitimate expenses they should be using our tax dollars for. Especially as **it puts all of we the public at risk while try to enjoy being**

near, in or in the ocean. Coincident with the artificial encouragement of pinnepeds, divers have recorded the increasing presence of **seven gill sharks.** Capable of biting a leopard shark (known to achieve a length of 5-7 feet) in half, and known pinneped predator, these animals were seldom seen before the rise of the seal population. When the Solana Beach Dentist bled out and died and the wading beach goer was attacked at San Onefre, great white sharks were implicated. These are the first attacks noted in the San Diego area for many years.

Please reject the city's application for beach closure without imposing intended improvement standards.

Philip Miller, RN and former independent scuba instructor

From: Kay R Stafford
To: ChildrensPool@Coastal
Subject: Do not allow the Children"s Pool to be closed.
Date: Wednesday, May 01, 2019 12:06:26 PM

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Please do not renew or extend permits, CDP # 6-14-0691 and CDP # 6-15-0223 authorizing the closing of Children's Pool Beach and rope barrier.

My family has lived across the street from the Children's Pool since 1971. I am 72 years old and even before we moved here, I was brought to the Children's Pool to swim and play when I was a very small child. My children enjoyed wonderful times here when they were small.

I have observed the events at the pool for all these years, and I know the truth of the situation first hand.

This beach/pool was never a pupping location or even a haul out location for marine mammals before Ellen Browning Scripps built the pool so that small children would have a protected beach to swim and learn to love the ocean. This is a fact supported by all photographs of the area that exist in the La Jolla Historical Society collections.

The seals were released at the pool artificially by Sea World over many years. There is nothing natural about that. However, people and seals lived in harmony until shrill, violent extremists arrived to use the seals to promote their agenda and enhance their own self importance.

Virtually everything the seal supporters say is untrue. Seals do not abort because people use the beach. Seals do not abandon pups for that reason. There are videos of seals bringing new pups all the way to the top of the open beach to nurse them beside a person sitting in a chair. Miscarriages and abandonment of pups is a sad fact of nature, particularly when the population exceeds food availability.

Seals approach snorkelers and solicit stroking and belly scratching as if they were puppies. This is well documented.

Biologists confirm that "flushing" is not harmful to seals. A sudden fly-over of birds will sometimes flush seals. They return without trauma.

The City's intentional design to close the ramp to maintenance vehicles and normal usage by beachgoers is unconscionable.

This pool was originally designed to self clean by the water flow that would normally stream through the gates in the wall. The gates were sealed many years ago, and should be reopened. In any case, the ramp must be restored for maintenance purposes.

This pool is not a natural venue for seals. They would be safer in a natural setting that is not downtown and does not exploit them for tourism dollars. It is shocking to me that the Coastal Commission would consider supporting this type of exploitation of marine mammals.

I cannot imagine that the Coastal Commission would wish to taint their own credibility in their mission to protect the coast and the wildlife by aligning themselves with the type of dishonest misinformation advanced by the extremists who spit on people and manhandle children who attempt to enjoy the beach.

I hope to see you make a decision to keep this man made pool open for the benefit of beachgoers and wildlife alike.

I am opposed to the renewal of Coastal Development Permits that allow the closure of Children's Pool Beach. This is an unnecessary action that infringes on Constitutionally protected coastal access rights and is contrary to the Children's Pool Trust granting State tidelands to the City of San Diego. The Tidelands Grant or Children's Pool Trust was created for the expressed purpose to be a park, playground and bathing pool for children.

Best Regards,

A Concerned Citizen and Wildlife Lover

From: John Steel
To: ChildrensPool@Coastal
Subject: Keep it open for children
Date: Sunday, April 21, 2019 12:01:16 AM

Coastal Commission,

The Children's Pool was granted by Ellen Browning Scripps in trust to the State for children to learn to swim
safely.

The growth and components of the ocean bottom and water are beautiful in this area.

The life guard tower assures safety for children and seals.

Seals are friendly creatures, as I have noticed in 25 years swimming at the Children's Pool.

The Children's Pool must remain open year around for children and swimmers and divers.

Appreciatively—John Steel MD

May 6, 2019

California Coastal Commission
San Diego District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Re: Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits.

Commissioners:

I write to you as someone who grew up in La Jolla and resides here to this day. My grandmother swam at the Children's Pool, as did my mother. I too learned to swim and dive there in the ocean, and I taught my son to swim there as most San Diego families did. Swimming in the ocean is much different than just swimming in a pool.
Ellen Browning Scripps paid for and dedicated a sea wall so that children could have a safe place to swim. She traveled all the way to from La Jolla to Washington DC to get this done, to create this ocean pool for the children and for the purpose of swimming and diving. This is a very historic spot as this is where diving as we know it today was originally created. There is so much history here.

One of the purposes of the California Coastal Commission is to enable an environment for clean water and for beach access. At the Children's Pool, neither of those concepts exist anymore. The beach at the Children's Pool has become a litter box of feces due to the yearly shared access of people and seals. Forcing shared access is akin to asking someone to lie down in a cat's litter box.
Every year when the beach reopens to the children, the sand and water have high bacterial counts caused by seal excrement overload. Each year there is a continuously high fecal coliform count. One logical way to mitigate this is to open the four sluiceways located in the seawall built and dedicated by Ms. Scripps. This will flush the beach and make it clean enough for human use.

As it stands now I am not able to take my four grandchildren to this ocean pool, as the water and sand are now polluted by feces left by non-indigenous seals.
Please give this ocean pool and beach back to the children, the divers, the fishermen, and the overall public. This man-made pool has been enjoyed for so many years. The seals have miles and miles of beach, but we only have one ocean swimming and diving pool. It was given to us as a gift by the late Ms. Scripps, a benefactress of all of San Diego. Her Trust must be upheld.

As proposed for the permit extension that you are currently reviewing, the rope barrier blocking access across 152 feet of a 155-foot-wide beach (98%) is an encroachment on an established physical access way to the shoreline in violation of the Coastal Act. A rope barrier in any season cannot be justified or permitted to remain in its current form.

Two decades ago, the City of San Diego refused to follow NOAA/NMFS recommendations to discourage harbor seals from establishing a colony on Children's Pool Beach. The latest opinion from NOAA is they do not think beach closure was necessary to prevent disturbance of the seals. The closure has led to increased pollution in both the sand and water.

The City sought to avoid the costs of an Environmental Impact Study by dismissing the foreseeable environmental impacts in their beach closure plans. The population of Harbor Seals has greatly expanded in the La Jolla area. A new colony of Harbor Seals is forming in the Bird

Rock area just south of Children's Pool and the well-known rookery at Cabrillo National Monument continues to grow. Concurrently, the park area around the Cabrillo rookery has been placed off limits to visitors for several years. All these growing rookeries are near specially designated Marine Protected Areas negating the benefits of the protected status in those areas. The anticipated growth in fisheries in those areas has not occurred and will not with the pinniped populations now out of balance with historical levels.

With critical analysis, it can be shown that artificially sheltering Harbor Seals in a man-made swimming playground and park has intensified negative impacts from sand and water pollution. Beach closure has severely limited access for both able-bodied disabled swimmers looking for a safe, sheltered access to the ocean. The Children's Pool is the near perfect location for wheelchair bound swimmers who could easily access the beach using the now closed and barricaded beach access ramp at Children's Pool.

Regarding the ramp at the Children's Pool, it needs to be graded and restored to use. This is not an overly complex or costly project. Beach users simply need the graded ramp that was there. The money spent on lawsuits to avoid maintaining this ramp is surely 10x in cost what it would have taken to simply maintain (now repair) the ramp. This issue is a pressing one for mothers as well, who use strollers or prams and cannot bring their children to the "*Children's* Pool", the pool designed for children, for they cannot access it on the steep and eroded staircase. Mothers with strollers are told by the Park Ranger to simply "Go to the Shores" but that is not tenable for small children. The beach is far too deep, the wave breaks much too high, and the water filled with competing kayaks.

Please review these concerns as part of your analysis for the Children's' Pool Beach closure permit and rope barrier permit, for such concerns are far from mine alone and are in fact reflective of the community of La Jolla. With such analysis, it will be clear that the City seeks all their desired restrictions with a closed beach while avoiding the financial costs of mitigating the impacts to the environment or even simply grading an existing ramp. Please do not renew the permits without correcting this unjustified impact to the local environment.

Like so many of my neighbors in La Jola I ask that you please reject the City's applications for beach closure extensions and instead require a beach management plan that accommodates all users of the beach, particularly our children, which was the intention of benefactress Ellen Browning Scripps.

Respectfully submitted,

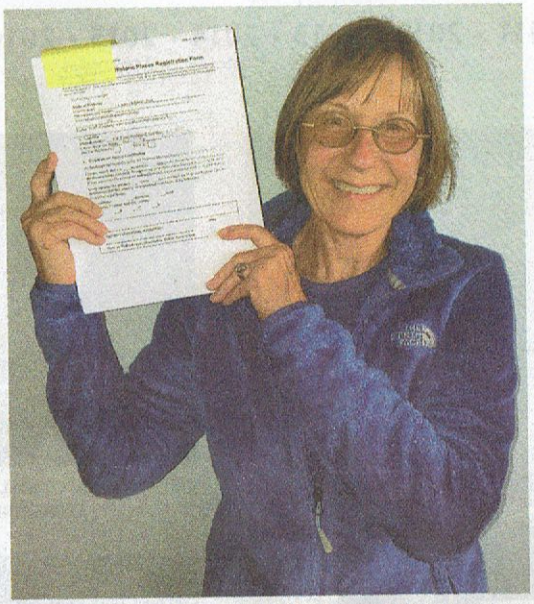
Melinda Merryweather

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Vol. 108, Issue 20 • May 16, 2019 Enlightening La Jolla Since 1913 Online Daily at lajollalight.com



PHOTOS BY ASHLEY MACKIN-SOLOMON

Diane Kane proudly holds up her completed, 103-page nomination to list La Jolla Children's Pool on the National Register of Historic Places.



La Jolla's Children's Pool sits at 850 Coast Blvd.

Children's Pool on Nat'l Register of Historic Places?

Nomination form submitted to State office on May 7

BY ASHLEY MACKIN-SOLOMON

After two laborious years, Diane Kane held the completed nomination form for adding La Jolla's Children's Pool to the National Register of Historic Places in her hands, minutes before putting it in the mail bound for the State Office of Historic Preservation in Sacramento on May 7.

At 103 pages of findings and photos, she sighed and joked that the project "is a master's thesis" and she feels "free" now that it's done. This fall is the earliest time Kane could get an answer about whether the 1931 La Jolla landmark will be historically designated, but more likely the decision will come early next year.

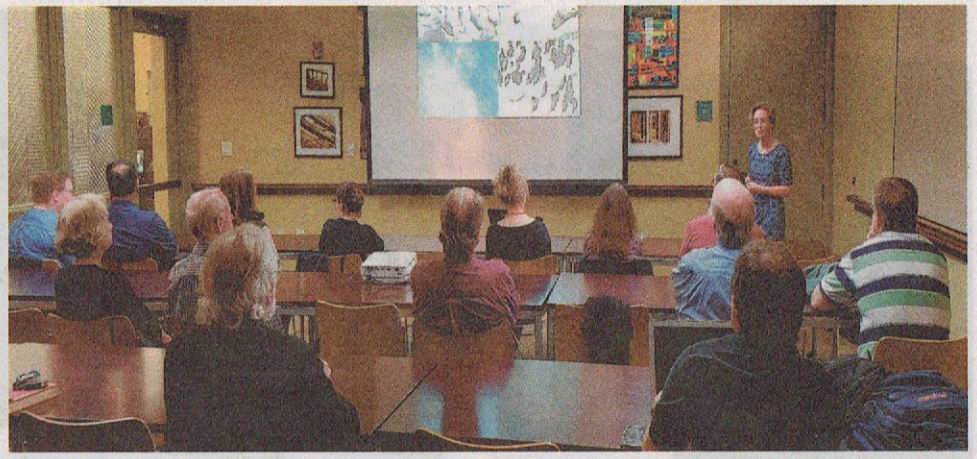
The benefit for the Children's Pool, should it be listed, she said is: "It would keep that property looking like we all enjoy it ... rather than having to bring everything up to modern code. With the designation, it doesn't mean you can't touch it, it means you have to touch it with care. If a feature needs to undergo construction or renovation, engineers are required to bring it up to code; but if it's designated historic, they weigh the safety factors with the historic factors. They try to find a balance between the two, so they maintain the character, but still keep people safe. The thinking is, just because something doesn't meet current code, doesn't mean it is inherently unsafe."

SEE CHILDREN'S POOL, A21



La Jolla Cove

PHOTOS BY ASHLEY MACKIN-SOLOMON



UCSD scientist and La Jolla Library Wet Lab volunteer Callen Hyland leads a talk on the microbial diversity of La Jolla's waterways, May 7.

Swimmers take note! New water study results are in

Cove, Children's Pool more 'microbial diverse' than other La Jolla beaches

BY ASHLEY MACKIN-SOLOMON

Callen Hyland, UC San Diego research scientist and La Jolla Library Wet Lab volunteer, gave a talk May 7 at the library to release the preliminary data of a crowdfunded study that looked at the microbial diversity of La Jolla Cove and other beaches.

She opened her talk with a word of caution: "These findings are preliminary and by no means complete. ... I know that a lot of people have supported this in hopes of having answers to a specific question, but those answers might not be here. You can never know, going into a scientific project, what the exact results are going to be."

To complete the study, Hyland collected samples at Children's Pool, La Jolla Cove, La Jolla Shores and (on one day only) Scripps Pier each month from June to November 2016 and sent the samples to a lab for DNA sequencing, paid for by the crowdfunding. She said she is still analyzing the data and there would be another talk offered when more conclusions can be drawn.

What speculations she could make, however, were: 1) The Cove and Children's Pool have more microbial diversity than La Jolla Shores and Scripps Pier, 2) it could be a combination of marine mammals, geographic features, humans and plant life causing it; and 3) while fecal indicator bacteria does appear to have increased in recent years, she said: "I saw no smoking gun that the water is dangerous — that doesn't mean it isn't there, but I haven't found it."

Over the course of her talk, Hyland went into the scientific nitty-gritty about gene sequencing methods (she used 16S rRNA gene sequencing), components analysis, showed data graphs, the Alpha Diversity and Beta Diversity results, the various methods against which this data was measured, and more.

But for those less scientifically minded, she explained that, in this study, "microbial" means bacteria and archaea (single-celled organisms once thought to be bacteria), and is measured in Operational Taxonomic Units (OTUs), which is the way to describe the "species" of bacteria.

"In La Jolla, we are lucky to live in very close proximity to nature," Hyland said. "It's an urban environment with all the modern conveniences, but close to a variety of wildlife. There are birds and an unprecedented proximity to marine mammals. There aren't many situations where humans and marine mammals share such a close environment. We have the Children's Pool, which has a harbor seal colony; and La Jolla Cove, which has a sea lion colony and is also popular with swimmers and snorkelers — not to mention the fish and seagrass underwater."

To carry out her study, Hyland said she collected water samples in sterile bags (the same ones used to collect forensic information), stored the bags in coolers to maintain the correct temperature, processed the samples by sterilizing the stored



Callen Hyland, UCSD scientist and Wet Lab volunteer at La Jolla Library

materials and filtering the water, and stored the processed samples. The storage tubes were kept on dry ice and then, a negative-80 degree Celsius freezer. From there, they were sent to a lab for DNA sequencing.

She was sent the raw data, and classified the distinct sequences.

"We're capturing enough diversity that we can see a difference between sampling sites," Hyland explained. "The Shores and Scripps Pier grouped together, and La Jolla Cove and Children's Pool grouped together. We have two sites that are much more diverse than the other two."

She added that the Children's Pool and La Jolla Cove have "statistically significantly higher" observed OTUs than La Jolla Shores, and that number did not change over the sampling months.

As to why Children's Pool and La Jolla Cove were more diverse, Hyland posed: "The marine mammal populations are different, and with the more diversity, the more opportunity there is for those OTUs to be present. Whether the seals and sea lions have anything to do with that, I don't know. There could be geological features that change the water currents.

"You also see sea grass and kelp in The Cove and Children's Pool, but not so much in The Shores. We have different bird populations and human activities, too. Let me tell you, at some times of the year, humans are the dominant form of wildlife! I don't know what is driving it ... and which factors are causal, but these are very distinct environments."

In terms of harmful OTUs, she said, she pulled up the Centers for Disease Control data for waterborne pathogens, and did not find them in her data. "That doesn't mean they are not there, because pathogens do not have to be present in high numbers to cause disease," she said.

Further, she pulled similar data for pinniped zoonotic diseases (ones that can travel from pinnipeds to humans) and only one was present and at a low level.

As a next step, Hyland said she will explore source tracking.

"We could look at The Cove and look at human fecal matter, sea lion fecal matter, and see to what extent these sources contribute to the overall data," she said. "I'm thinking about ways to make this available to the public so people could review the data themselves and see what conclusions they draw. I would also like to upload the information to a public database."

Hyland is further looking to adapt a similar project and make it a citizen science initiative, such as sampling one site at different tidal times. Additional talks are planned, but have not been scheduled. ♦

From: Ken Hunrichs <kenhunrichs@cox.net>
Subject: CP 1953 SD Historical Society photo
Date: August 8, 2012 at 2:31:34 PM PDT
To: Melinda Merryweather <mbeherenow@sbcglobal.net>, Phyllis Minick <pminick@aol.com>, Justin Schlaefli <justinspearo@gmail.com>, John Leek <jleek001@san.rr.com>, David Pierce <diverdavid@cox.net>, Kay R Stafford <kaystafford@me.com>

Labeled 1953 with a ramp clearly in use.



From:	Lasiter, Melody@Coastal
To:	ChildrensPool@Coastal
Subject:	FW: Another CP photo from our official FoCP pilot/photographer Todd Bohlman.
Date:	Monday, May 13, 2019 1:50:29 PM
Attachments:	ihejcbhc.png

From: Llerandi, Alexander@Coastal
Sent: Monday, May 13, 2019 1:38 PM
To: Lasiter, Melody@Coastal
Subject: FW: Another CP photo from our official FoCP pilot/photographer Todd Bohlman.

Here are the historical photos Melinda just sent me, for the record.

From: Melinda Merryweather [mailto:mbeherenow@sbcglobal.net]
Sent: Monday, May 13, 2019 11:07 AM
To: Llerandi, Alexander@Coastal
Cc: Email M; Diane Kane
Subject: Fwd: Another CP photo from our official FoCP pilot/photographer Todd Bohlman.

Begin forwarded message:

From: Ken Hunrichs <kenhunrichs@cox.net>
Subject: Another CP photo from our official FoCP pilot/photographer Todd Bohlman.
Date: August 20, 2012 at 9:21:41 PM PDT
To: David Pierce <diverdavid@cox.net>, Bob & Cassandra Ewing <abalone@san.rr.com>, David Johnson <ddttjj@gmail.com>, Kay R Stafford <kaystafford@me.com>, John Leek <jleek001@san.rr.com>, Melinda Merryweather <mbeherenow@sbcglobal.net>, Jean Perry <perfectolivella@yahoo.com>, Justin Schlaefli <justinspearo@gmail.com>, Phyllis Minick <pminick@aol.com>, Scott Anderson <scottradiver@yahoo.com>, Veronica Ishnet <hooraylj@gmail.com>, Charley Barringer <windandcb@yahoo.com>, Dan Byrnes <dan@nightowlpc.com>, Don Perry <dperry@san.rr.com>





From:	Lasiter, Melody@Coastal
To:	ChildrensPool@Coastal
Subject:	FW: C.P. as a pool 1943 ? date
Date:	Monday, May 13, 2019 1:52:59 PM
Attachments:	ATT00016.png

From: Llerandi, Alexander@Coastal
Sent: Monday, May 13, 2019 1:40 PM
To: Lasiter, Melody@Coastal
Subject: FW: C.P. as a pool 1943 ? date

Final photo

From: Melinda Merryweather [mailto:mbeherenow@sbcglobal.net]
Sent: Monday, May 13, 2019 11:04 AM
To: Llerandi, Alexander@Coastal
Cc: Email M
Subject: Fwd: C.P. as a pool 1943 ? date

Begin forwarded message:

From: melinda merryweather <mbeherenow@sbcglobal.net>
Subject: C.P. as a pool 1943 ? date
Date: June 11, 2012 at 3:22:00 PM PDT
To: melinda merryweather <mbeherenow@sbcglobal.net>



From: Lasiter, Melody@Coastal
To: ChildrensPool@Coastal
Subject: FW: Early photo of CP with ramp and open sluiceways
Date: Thursday, May 16, 2019 10:32:02 AM
Attachments: oemopifidcmekkcn.png

From: Llerandi, Alexander@Coastal
Sent: Tuesday, May 14, 2019 3:19 PM
To: Lasiter, Melody@Coastal
Subject: FW: Early photo of CP with ramp and open sluiceways

FYI

From: Melinda Merryweather [mailto:mbeherenow@sbcglobal.net]
Sent: Tuesday, May 14, 2019 3:00 PM
To: Llerandi, Alexander@Coastal
Subject: Fwd: Early photo of CP with ramp and open sluiceways

Alex could you please send on this is a photo of the sluiceways I write about in my letter that if we have to have shared use there is a way to clean the beach for the children and public.



April 29, 2019

California Coastal Commission
San Diego District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Re: Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits.

Commissioners:

As proposed for permit extension, the rope barrier blocking access across 152 feet of a 155-foot-wide beach (98%) is an encroachment on an established physical access way to the shoreline in violation of the Coastal Act. A rope barrier in any season cannot be justified or permitted to remain in its current form.
Two decades ago, the City of San Diego refused to follow NOAA/NMFS recommendations to discourage harbor seals from establishing a colony on Children's Pool Beach. The latest opinion from NOAA is they do not think beach closure was necessary to prevent disturbance of the seals. The closure has led to increased pollution in both the sand and water.

The City sought to avoid the costs of an Environmental Impact Study by dismissing the foreseeable environmental impacts in their beach closure plans. The population of Harbor Seals has greatly expanded in the La Jolla area. A new colony of Harbor Seals is forming in the Bird Rock area just south of Children's Pool and the well-known rookery at Cabrillo National Monument continues to grow. Concurrently, the park area around the Cabrillo rookery has been placed off limits to visitors for several years. All these growing rookeries are near specially designated Marine Protected Areas negating the benefits of the protected status in those areas. The anticipated growth in fisheries in those areas has not occurred and will not with the pinniped populations now out of balance with historical levels.

With critical analysis, it can be shown that artificially sheltering Harbor Seals in a man-made swimming playground and park has intensified negative impacts from sand and water pollution. Beach closure has severely limited access for both able-bodied disabled swimmers looking for a safe, sheltered access to the ocean. The Children's Pool is the near perfect location for wheelchair bound swimmers who could easily access the beach using the now closed and barricaded beach access ramp at Children's Pool.

On a personal note, in my family I am one of two primary caregivers for a 90-year-old and an 88-year-old. In decades past they very much enjoyed water therapy in the calm shoreline at the Children's Pool. Now, due to the "demolition by neglect" status of the ramp, they can no longer access the water. We are told by the Park Ranger to simply "Go to the Shores!" but that is not tenable for anyone with limited mobility or mobility enhanced by a cane, walker or stroller. The beach is far too deep, the wave breaks much too high, and the water filled with kayaks.

Like many beach users my family does not need an "ADA ramp" at the Children's Pool, we simply need the graded ramp that was there. The money spent on lawsuits to avoid maintaining this ramp is surely 10x in cost what it would have taken to simply maintain (now repair) the ramp. This issue is a pressing one for mothers as well, who use strollers or prams and cannot bring their children to the *Children's* Pool, for they cannot access it.

Please review these concerns as part of your analysis for the Children's' Pool Beach closure permit and rope barrier permit, for such concerns are far from mine alone and are in fact reflective of the community of La Jolla. With such analysis, it will be clear that the City seeks all their desired restrictions with a closed beach while avoiding the financial costs of mitigating the impacts to the environment or even simply grading an existing ramp. Please do not renew the permits without correcting this unjustified impact to the local environment.

Like so many of my neighbors I ask that you please reject the City's applications for beach closure extensions and instead require a beach management plan that accommodates all users of the beach, which was the intention of benefactor Ellen Browning Scripps.

Respectfully submitted,

Cindy Greatrex

Former President of La Jolla Community Planning Association
Former President of La Jolla Town Council
Former Board Member of Community Planners Committee, City of San Diego
Member, American Planning Association

From:	Jack M Robertson
To:	ChildrensPool@Coastal
Cc:	Elaine Robertson
Subject:	No more rope barrier at Children"s Pool and re-open /Baja Rd
Date:	Monday, May 13, 2019 2:07:47 PM

Please do Not extend the rope barrier at Children's Pool., so humans and ocean creatures all may enjoy the manmade ocean pool. And please re-open the Baja Road to make access easier for everyone.

Jack Robertson
8578 Cliffridge Ave
La Jolla, CA 92037
858-531-8054

From: Scott Anderson [mailto:scottradiver@yahoo.com]
Sent: Wednesday, June 05, 2019 1:42 PM
To: ChildrensPool@Coastal
Subject: Children's Pool Permit Numbers 6-14-0691-A1 & 6-15-0223-A2

Dear Coastal Commissioners,

In 2005 I became the President of the San Diego Council of Divers. The council represents San Diego Dive Clubs and monitors government activity affecting diving. It has advocated for local divers with the City of San Diego Underwater Parks Advisory Committee, the San Diego City Council, the California Department of Fish and Game, the California Coastal Commission, the California Legislature and San Diego Parks and Recreation.

It was the consensus of the Dive Clubs that they did not want to lose Children's Pool as a premier diving location. After my initial meeting with the Dive Clubs, I set up a meeting at with the activists wanting to close Children's Pool to see if we could work out a reasonable agreement. We set a date and met for discussions. Unfortunately, this was one of the shortest meetings I have ever attended. They stated the only way they would work with anyone from the Dive Community, "was if we would guarantee nobody ever swam, fish or dove at the Children's Pool". They further stated that they would close the Children's Pool and there is no scenario that we could come up that they didn't have an option or plan to stop us. They then stated that after the Children's Pool was closed, they will close the Cove and promptly ended the meeting.

There was no evidence, concern or discussion of seals at the Children's Pool until July 1992. When a representative of Sea World, Jim Antrim, discussed with Barbara Bamburger, a representative of "Friends of the Seals," about the creation of a seal reserve in the vicinity of "the rock off Shell Beach (in front of 939 Coast Blvd)" as it was the "focal point of harbor seal activity concentrated between the months of January and, May." They then brought this to the attention of the current Mayor of San Diego and members of the San Diego City Council.

In February 1993 the City Council adopted a resolution and passed an ordinance establishing the Seal Rock as a marine ecological area reserve for a five-year trial period in order to protect harbor seals and other marine animals from disturbance by swimmers, boaters, and divers.
The five-year Seal Rock Marine Mammal Reserve expired in September 1999. A National Marine Fisheries Service (NMFS) biologist James Lecky, observed in a letter to the City that 1996 and 1997 data showed that more seals were hauling out at Children's Pool Beach than at Seal Rock. Strange how after all these years more seals were hauling out at Children's Pool Beach. This prompted a Council member to submit a NOAA FOIA number 2008-00188. Data from that FOIA showed that Sea World starting about December 1993 through 2005 released rehabilitated seals either near or at the Children's Pool establishing a colony of seals who for all practical purposes after release had little to no fear of humans. The City was warned that this five-year trial period would cause the seals to populate Children's Pool beach. The five-year Seal Rock Marine Mammal Reserve expired in September 1999 and was not renewed. By that time the damage had been done and a colony of seals had been established at Children's Pool Beach. I believe the City of San Diego Officials played a part in allowing Sea World to create the colony of seals. I further believe that is why the Seal Rock Marine Mammal Reserve was not renewed and the City and activists shifted their efforts to creating seal reserve at Children's Pool. This led to the O'Sullivan court case against the City.

In 2005 the City of San Diego lost the O'Sullivan case. The courts concluded the 1931 trust that deeds Children's Pool over from the state to the city of San Diego for use as a children's wading pool has been violated. The city must now dredge sand from it to return it the condition it was in in 1941 when it was jointly used by humans and harbor seals. The City appealed, the Fourth Appellate District's ruling that San Diego violated its trust status over La Jolla's Children's Pool by allowing it to be used for purposes other than as a public park and children's pool. You would think at this point the problem would have ended, but it only worsened. Imagine that you were Court Ordered to comply with their findings and you refused, you would shortly be behind bars. Not the City if San Diego, they refused to comply with the judgment of the court and no one held them to task. After the loss of the O'Sullivan case is when the City of San Diego started working hand in hand with the seal activists. This time frame is when the Seal Activists showed up in force daily at the Children's Pool and started creating unrest. The City of

San Diego stood on the sidelines and allow these activists to cause hate and discontent at a beach which was created and legally open to the public. Through the next five years the City tried unsuccessfully to close the Children's Pool. In 2010 the San Diego City Attorney collaborated with State Senator Kehoe and was able to modify the original trust by adding the sentence
"marine mammal park for the enjoyment and educational benefit of children." If this doesn't show the intent of the City to close a beach trusted to the people nothing does!

I look back on how naïve I was through this entire evolution. We were told to be respectful citizens, tell the truth and believe in our City Officials to do the right thing. I didn't realize how powerful the activist groups were, the money they controlled and the power they wielded over the City Officials and State Representatives. I consider myself a law-abiding individual, believing that City Officials and Representatives were in office to represent their constituents. I watched how the City Officials from the Mayor and City Council members down to employees of Park and Recreation Department did everything in their power to undermine the Court Judgements against the City. The City of San Diego has lost all court cases brought against them, which speaks volumes of how the City keeps undermining the rightful citizens to enjoy an area which was set aside in Trust for them. Well the City of San Diego finally won an appeal in the latest Court Case (Bernard F. King II vs City of San Diego). During the appeal the City changed tactics and stated that the need to close the beach is to keep the two groups from fighting, which was not a point brought up during the trial. The City stated that there were over fourteen thousand police calls and four felony cases over the years at Children's Pool Beach. The majority of calls were fraudulently made from the activists. If one would simple research, you would find that the four felonies were committed by the activists and almost all of the police call were made by them. But in the appeal the City only threw out the total numbers with no breakdown which gave the impression that both sides were just as guilty. I only wish the City of San Diego would have to admit how much taxpayer money has be spent since 1992 to take a Trusted Beach away from the people it was intended to benefit.

I would like to give you an example, there is a City organization called "I Love a Clean San Diego". They sponsor cleaning of beaches by providing materials such as trash bags and equipment to clean beaches. I went to pickup materials to clean Children's Pool beach (one of the dirtiest beaches in San Diego) and was told they were directed by San Diego Parks and Recreation Department not to provide any materials to clean Children's Pool Beach because the City didn't want to pick a side. I told them that not providing materials for a specific beach the City had already picked a side. They did offer cleaning materials to clean any beach in San Diego except Children's Pool. This shows you to what level the City lower themselves to. Without the help or materials from I Love a Clean San Diego, the Council with the help of like organizations continued to clean Children's Pool Beach under the watchful eye of the activists. Every time we attempted to clean the beach; the activists would complain to the City. The City would establish restrictions for Children's Pool beach which were not applicable to other beaches within the City. An example is the removal of seaweed from the Children's Pool beach, the City promptly stopped the remove of seaweed from Children's Pool Beach, at the same time City employees were removing seaweed from adjacent beaches. This is only one example of how the City took steps to undermined any attempt to use this trusted beach.

I attended the California Coastal Commission meeting which allowed supposably shared use of Children's Pool beach. Complete closure of the beach from December 15 to May 15 for harbor seal pupping season, two months longer than the actual pupping season. Then from May 16 to December 14 for public use. Although erecting a rope barrier 152 feet across the beach with a three-foot opening at one end for beach access, along with information signage to buffer between humans and seals plus water contamination signs is not shared use. For all practical appearances, the rope barrier gives the impression that the beach is closed when in reality its open to the public during this time frame.

I have written how underhanded the City of San Diego has been since 1992 and the agreement it made to create the Seal Rock Reserve. Which was the caused the seals to inhabit Children's Pool Beach. I have watched the City of San Diego work hand in hand with the activists to lie and mislead the people of San Diego and created the problems which lead us to where we are today. I would like to bring to your attention that the California Coastal Commission is just as Guilty as the City of San Diego. On November 18, 1993 the California Coastal Commission approved the establishment of a Reserve in the vicinity of Seal Rock. The California Coastal Commission is supposed be committed to protecting and enhancing California's coast and ocean for present and future generations. You clearly over the years have gone against your Mission Statement by aiding the City of San Diego to remove a trusted beach from the hands people of San Diego into the hands of activists and in my opinion corrupt City officials.

Anyone with half a brain should understand that if these harbor seals at Children's Pool Beach were in anyway under duress or felt threatened, they would leave and never return. Since 1992 this has not been the case. For this reason, I Do Not believe that permits 6-14-0691-A1 &
6-15-0223-A2 should be extended.

That if the Coastal Commission does allow Permit 6-14-0691-A1 to be extended, that permit
6-15-0223-A2 NOT BE EXTENDED and allow people to have their shared use.
Its high time for facts to be used instead of emotions to make a decision!

Scott Anderson

-----Original Message-----
From: Carol Baker [mailto:crbaker361@gmail.com]
Sent: Friday, June 07, 2019 12:04 PM
To: ChildrensPool@Coastal
Subject: Public comment

Only reason the beach was closed was polluted waters from seal poo. Please give the pool back to the people

Sent from my iPhone

Put people first at Children's Pool

In last week's letter from James Hudnall regarding the ecology of Children's Pool, I think he needs to re-align his sense of priorities in life, as should all other proponents advocating for seals and sea lions to have priority over humans — and particularly children — at Children's Pool and La Jolla Cove. These humans all live somewhere far away from La Jolla and do not appreciate the history and purpose for these two beaches that were once the town's jewels.

There are more than 1,000 miles of coastline along California, including dozens of secluded islands, where sea life can dominate without any interference from humans, and several thousand more miles both north and south of California. Only a tiny fraction of the coast is used by humans, leaving at least 99 percent or more for pinnipeds and other sea life to perpetuate their species, transport nutrients, and defecate wherever the need arises.

Ellen Browning Scripps extended her generosity to create the seawall for Children's Pool in order for children to have a calm and safe place to swim, and not for seals that can manage perfectly well elsewhere without endangering the future existence of the species.

The comment "allow our public maximum enjoyment of seals and the beach" is a ridiculous statement since it is exactly "our public" that is denied enjoyment of the beach by protecting it for the seals. The Children's Pool was intended for children and families of "our public." I came to La Jolla as a child, just a couple of months after the end of World War II, and learned the motions of oceans at the Pool prior to venturing to the mild waves at The Cove, and eventually, on to beaches with open surf, as did most of my friends.

Those who have such a sanctimonious stance in favor of seals versus the needs of our children to learn "how things work in our interconnected world," need the "further education" to prevent fouling of our previously (before the seals) pristine ocean and endangering the health — not just of our own children and other citizens — but also to other sea life. When I was young, the ocean glittered with Garibaldi that have been virtually decimated by the gluttonous seals.

Such "eco" crowd colleagues are the ones that need to learn to "live in harmony" with the human race and quit trying to impose their "eco" absurdness over the few places suitable for the enjoyment of humans, particularly in La Jolla, which should be allowed to be decided over by La Jollans.

Erik Holtsmark
La Jolla since 1945

Two paths for decision at Children's Pool

The May 16 *La Jolla Light* included a story about the historic value of the La Jolla Children's Pool. As a longtime resident of La Jolla and the grandson of residents going back to the 1940s, I have had a long association with this community. When I first came to La Jolla it was possible for children — and grown-ups, too — to swim at the Children's Pool. Today this is impossible. The beach has now been taken over by seals.

It seems to me that we have one of two choices: First, we can restore the Children's Pool and create a barrier that will prevent seals from entering it. Or, second, we can restore the shoreline as nearly as possible to its natural configuration and call it a day for the Children's Pool.

My personal choice would be to restore the shoreline to its natural state. But if we do the first, it had better be a job that would restore th Children's Pool for its intended purpose — and that means barriers to prevent seals from reclaiming it.

Thomas Michael Holmes, Ph.I
White Sands of La Jol

From: Friends of the Children's Pool [mailto:friendsofthechildrenspool@cox.net]
Sent: Tuesday, June 04, 2019 1:04 PM
To: ChildrensPool@Coastal
Subject: Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits

Please enter this email and attached document into the Children's Pool permit record for review by the Commission.

Like the current attempt to extend a access prohibition with closes a portion of the California Coast at Children's Pool for animal habitat, the City of San Diego's creation of a seal reserve on Seal Rock in La Jolla was discovered to have many legal flaws by the Department of Fish and Game in the year 2000. The Tidelands Grant for Children's Pool allows for enumerated uses as a Park, Playground and Bathing Pool for Children. It also permits a Marine Mammal Park to be among the acceptable uses. One use cannot overtake the others as is done when the beach at Children's Pool is closed to the public for five months a year. Specific fishing rights are curtailed while access to the coast is restricted. Both are rights preserved for California citizens under our State Constitution.

The legal opinion from DFG council reflected the limitations on the City under the 1933 Tidelands Grant to the City of San Diego. The more specific and restrictive Tidelands Grant in 1931 creating the Children's Pool would create the same legal restrictions on specified uses of the granted tidelands.

A review and approval by the State Lands Commission for compliance with the 1931 Tidelands Grant must be done before reissuing Coastal Development Permit to allow closure of Children's Pool. Since the Children's Pool is similarly situated as Granted Tidelands, the attempt to create a wildlife reserve seems inappropriate and not in keeping with the restrictions in the Tidelands Grant.

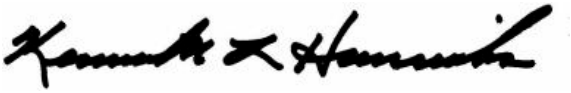
Under Public Resources Code section 6301, the State Lands Commission is vested with all residual jurisdiction and authority over tidelands which have been granted to another governmental subdivision. (*State of California ex rel. State Lands Commission v. County of Orange* (1982) 134 Cal.App.3d 20.) The State Lands Commission does not recognize the City's grant as being for research, wildlife habitats, or aesthetic purposes. (See, *A Report on the Use, Development, and Administration of Granted Tidelands and Submerged Lands* (State Lands Commission: January 1976), p. 16.) It is true that modern case law recognizes that the public trust easement in tidelands extends beyond the traditional purposes of commerce, navigation, and fisheries, and can include their use "as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area..." (*Marks v. Whitney* (1971) 6 Cal.3d 251, 259-260.) However, this principle only applies to the absolute power of the *Legislature* to control, regulate and utilize such lands. (*Mallon v. City of Long Beach* (1955) 44 Cal.2d 199, 209-210; *Atwood v. Hammond* (1935) 4 Cal.2d 31.)

The closure of Children's Pool unlawfully extended many years beyond the legal ending date of that closure. A change in public health laws should have caused the City of San Diego to remove access restrictions immediately. They did not and the City needed another, legal way, to block access to the beach.

> 5.) Thus, for example, the September 4, 1997 closure of the La Jolla Children's Pool to swimmers due to bacterial contamination from seal feces was consistent with the City's authority to safeguard public health. Similarly, advising the public to keep at least 20 feet from the seals–and even enforcing this "safe distance" zone by ordinance–would also be an appropriate use of the police power to safeguard public safety from the sharp-toothed pinnipeds. Unlike these examples, the objective of the proposed ordinance is not public health or safety, but to prevent seals from being harassed while they use the area as a haul-out, moulting and pupping site. The City can make and enforce all ordinances regarding its municipal affairs "subject only to the restrictions and limitations imposed by the city charter, as well as conflicting provisions in the United States and California Constitutions and preemptive state law." (*DeYoung v. City of San Diego* (1983) 147 Cal.App.3d 11, 17; *Grimm v. City of San Diego* (1979) 94 Cal. App.3d 33, 37.) Here, several constitutional conflicts and preemptive state law aspects are apparent.

Please do not renew the permits closing and roping off Children's Pool Beach without review from and authorization from the State Lands Commission.

Kenneth L. Hunrichs, President



Friends of the Children's Pool.

6-00-126

State of California - The Resources Agency
GRAY DAVIS, Governor
DEPARTMENT OF FISH AND GAME
1416 Ninth Street
Sacramento, CA 95814

MAR 21 2000

March 15, 2000

Ms. Lori Girard, Esq.
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, CA 92101-4100

Dear Ms. Girard:

This letter is in response to a request by the City of San Diego (City) for comments by the Department of Fish and Game (Department) on the proposed permanent designation of the Seal Rock Marine Mammal Reserve under Municipal Code 63.1001. The 1933 grant provides that the lands shall be used for harbors, bulkheads or breakwaters, for the construction, maintenance and operation of wharves, structures and appliances for the protection or accommodation of commerce, navigation and fisheries, and for the "establishment and maintenance of playgrounds, bathhouses, recreation piers and facilities necessary or convenient for the inhabitants..." (Stats.1933, ch. 688, § 1(a).) In 1993, the City concluded that establishing a small preserve for marine mammals was "clearly consistent" with legal uses of tidelands. (San Diego City Attorney, Memorandum of Law re *Proposed Seal Rock Marine Mammal Ecological Reserve* (December 17, 1993).) We disagree.

Under Public Resources Code section 6301, the State Lands Commission is vested with all residual jurisdiction and authority over tidelands which have been granted to another governmental subdivision. (*State of California ex rel. State Lands Commission v. County of Orange* (1982) 134 Cal.App.3d 20.) The State Lands Commission does not recognize the City's grant as being for research, wildlife habitats, or aesthetic purposes. (See, *A Report on the Use, Development, and Administration of Granted Tidelands and Submerged Lands* (State Lands Commission: January 1976), p. 16.) It is true that modern case law recognizes that the public trust easement in tidelands extends beyond the traditional purposes of commerce, navigation, and fisheries, and can include their use "as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area..." (*Marks v. Whitney* (1971) 6 Cal.3d 251, 259-260.) However, this principle only applies to the absolute power of the *Legislature* to control, regulate and utilize such lands. (*Mallon v. City of Long Beach* (1955) 44 Cal.2d 199, 209-210; *Atwood v. Hammond* (1935) 4 Cal.2d 31.)

Cities also have plenary authority to regulate their municipal affairs independent of any authority under a tidelands grant. (Cal.Constit. art. 11, § 7). An ordinance may be valid under the police power because it had "a real or substantial relation to the public health, safety, morals or general welfare." (*Metromedia, Inc. v. City of San Diego* (1980) 26 Cal.3d 848, 858 and fn.

5.) Thus, for example, the September 4, 1997 closure of the La Jolla Children's Pool to swimmers due to bacterial contamination from seal feces was consistent with the City's authority to safeguard public health. Similarly, advising the public to keep at least 20 feet from the seals–and even enforcing this "safe distance" zone by ordinance–would also be an appropriate use of the police power to safeguard public safety from the sharp-toothed pinnipeds. Unlike these examples, the objective of the proposed ordinance is not public health or safety, but to prevent seals from being harassed while they use the area as a haul-out, moulting and pupping site. The City can make and enforce all ordinances regarding its municipal affairs "subject only to the restrictions and limitations imposed by the city charter, as well as conflicting provisions in the United States and California Constitutions and preemptive state law." (*DeYoung v. City of San Diego* (1983) 147 Cal.App.3d 11, 17; *Grimm v. City of San Diego* (1979) 94 Cal. App.3d 33, 37.) Here, several constitutional conflicts and preemptive state law aspects are apparent.

Federal constitutional conflicts arise because of the applicability of the Marine Mammal Protection Act (MMPA). The evil sought to be remedied by the ordinance, the harassment of seals, constitutes a "take" under the MMPA (16 U.S.C. § 1362(12)). The MMPA preempts state law. (*Fouke Company v. Mandel* (1974) 386 F. Supp. 1341.) The MMPA allows for the transfer of marine mammal management authority to the states, but California has not received such authority. (16 U.S.C. § 1379; 50 C.F.R. § 403.08.) Thus, protection of seals remains completely within the ambit of the federal law. The MMPA preempts local laws as well, "since a derivative power cannot be higher in degree and different in kind from the source of its derivation." (*Payne v. Treadwell* (1860) 16 Cal. 233.) Indeed, the federal nature of the subject matter is the antithesis of a municipal affair.

State constitutional conflicts arise in two different respects. First, the power of local governments to adopt ordinances regulating wildlife terminated in 1902 with the adoption of article 4, section 25 ½ of the state constitution (repealed; see now Cal.Constit. art. 4, § 20). Insofar as a municipal ordinance undertakes to regulate the field of law regarding wildlife that the constitution reserves to the Legislature, it is void. (*In Matter of Application of Cencinino* (1916) 31 Cal.App. 238, 244; *In re Makings* (1927) 200 Cal. 474, 477-478.) Although wildlife regulation incidental to public health and safety concerns is permissible, that is not the case here. (*People v. Mueller* (1970) 8 Cal.App.3d 949; 70 Ops. Cal. Atty. Gen. 210 (1987).) Second, the restriction on general entry conflicts with the prohibition that no one "claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State" shall "exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water..." (Cal.Constit. art 10, § 4.) The public's right of access to navigable waters is a constitutional right. Thus, no matter how laudable its purpose, the exercise of police power may not extend to total prohibition of activity not otherwise unlawful. Courts are especially sensitive to infringements upon constitutional rights under the guise of exercise of police power. (*People ex rel. Younger v. County of El Dorado* (1979) 96 Cal.App.3d 403, 406 citing art. 10, section 4 and *Marks v. Whitney*, supra, 6 Cal.3d 251.)

Preemptive state law considerations arise in three ways. First, state law makes it unlawful to take any marine mammal except in accordance with provisions of the MMPA. (Fish & G. Code 4500.) Also, the Department participates in a Cooperative Enforcement Agreement with the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Coast Guard that includes enforcement of the MMPA. (See, 16 U.S.C. § 1377.) Thus, the Department is the only non-federal entity authorized to enforce the MMPA in California. Finally, the creation of a local seal reserve may also be inconsistent with the Marine Life Protection Act, which requires a major consolidation of the separate and overlapping classifications of preserves, refuges, reserves, sanctuaries that have evolved piecemeal over decades. (Stats.1999, ch. 1015 (AB 993); Fish & G. Code § 2850-2862.)

We conclude that the City has no authority to create a seal reserve from granted tidelands that would generally prohibit public access across its boundaries, with specific exceptions. The ordinance attempts to regulate a subject that has been clearly preempted by federal and state law, and suffers from additional constitutional infirmities. Given these considerations, we doubt that the ordinance could successfully withstand a challenge by anyone subjected to its enforcement provisions. Rather than attempting independent action, the interests of the City would be better advanced by working with NOAA to achieve the appropriate level of protection for these marine mammals through the federal regime. Please contact me at (916) 654-5336 if I may be of further service to you on this issue.

Original Signed
By J. Milton
JOSEPH MILTON
Staff Counsel

DeWayne Johnston, Regional Manager
Department of Fish and Game-Marine Region
20 Lower Ragsdale Drive, Ste. #100
Monterey, CA 93940

Robert Treanor, Executive Director
Fish and Game Commission
1416 Ninth Street, 13th Floor
Sacramento, CA 95814

Curt Fossum, Staff Counsel
State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

From: Friends of the Children's Pool [mailto:friendsofthechildrenspool@cox.net]
Sent: Wednesday, June 05, 2019 11:14 AM
To: ChildrensPool@Coastal
Subject: Conflicting conclusions in the City's EIR analysis of CP beach closure

This message is being submitted to the public comment record for Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits

The attached letter outlines conflicting claims made by the City of San Diego in their environmental analysis of the impacts of beach closure at Children's Pool.

The City prepared an Environmental Impact Report (EIR) [Project 71362, August 24, 2009] in which they considered the seasonal closure of Children's Pool Beach as one of the project alternative options. In that 2009 EIR a beach closure was deemed to have significant environmental impacts due to significant impacts on human health, public safety and [exposure to] hazardous materials.

This statement is in direct conflict with the City's 2013 Negative Declaration (ND) for the current beach closure project that is the subject of this permit renewal process. In that ND, the analysis of beach closure was deemed to have no significant impacts on the environment. The same project but no concerns for contact with contaminated water and sand and the significant impact foreseen in the 2009 EIR.

This is a glaring contradiction between two studies of the closed beach option only five years apart with such divergent opinions about the significant impacts of beach closure. Most significant is the projected impact on water and sand quality during exposure to sand and water contamination. This contradiction should cause concern that the true impacts are being covered up by the City seeking a very long term permit renewal. This discrepancy shouts out for a re-analysis of likely impacts through a new Environmental Impact Study and Report. The well-known risks to public health associated with contaminated sand and water demands such a study be done before a long term permit renewal. The beach closure permit renewal should be denied until this conflict is resolved by an independent EIR.

June 5, 2019

California Coastal Commission
San Diego District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Re: Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits.

Conflicting conclusions in the City's 2009 EIR and 2013 Negative Declaration environmental analysis of Children's Pool Beach closure studies.

For several decades now, the City of San Diego has not properly managed the Children's Pool. After a 2005 court ruling in the O'Sullivan v. City of San Diego case the City was ordered to bring their beach management policies into compliance with the 1931 State Tidelands Grant [Children's Pool Trust] which obligated the City to maintain Children's Pool in conformance with the prescribed terms of the Grant. A plan to remove contaminated sand to improve sand and water quality would necessarily require the temporary displacement of seals off the beach during the workdays.

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likely impacts through a new Environmental Impact Study and Report. The well-known risks to public health associated with contaminated sand and water demands such a study be done before a long term permit renewal. The beach closure permit renewal should be denied until this conflict is resolved by an EIR.

Environmental Impact Report (EIR) [Project 71362 August 24, 2009

City of San Diego
Development Services
ENTITLEMENTS DIVISION
(619) 446-5460

ENVIRONMENTAL IMPACT REPORT

Project No. 71362
SCH No. 1999011060

SUBJECT: LA JOLLA CHILDREN'S POOL: COASTAL DEVELOPMENT PERMIT (CDP), SITE DEVELOPMENT PERMIT (SDP) and CITY COUNCIL APPROVAL to dredge approximately 3,000 cubic yards of beach sand from the Children's pool beach and re-locate it at the closest pocket beach just south of the Children's pool (South Casa beach). The project site is located on the beach adjacent to 850 Coast Boulevard, within the Coastal Zone.

Applicant: City of San Diego Engineering and Capital Projects Department.

Seasonal Joint Use Alternative

The Seasonal Joint Use alternative entails humans using Casa beach and Children's pool from July 1st through January 1st and the harbor seals using Casa beach and Children's pool from January 2nd to June 30th. Under this alternative seals would be deterred from using the beach and pool during summer and fall by methods approved by NMFS and conducted by trained City staff. During winter and spring the beach and pool would be closed to the public.

The seasonal joint use alternative would result in a less than significant impact to biological resources as no construction/excavation or maintenance activities would occur. Potential impacts to historical resources (archaeology) would be avoided since no earthwork would occur. The seasonal joint use alternative would have potentially significant impacts on human health, public safety, and hazardous materials since the improvements to the sand and water quality would not occur resulting in exposure to sand and water contamination. This alternative would potentially have a significant impact on hydrology water quality since the decontamination of sand and erosion improvements would not occur. This Alternative would result in a potentially significant impact to recreational resources since increased access to recreational resources would not occur as the pool and beach would be closed to humans for six months of the year. Additionally, this alternative would not comply with the Court order.

Leading up to the start of the sand removal project in the 1990's, City Officials prepared for anticipated protests by radical animal rights activist organizations seeking national media exposure. [Sea Shepherd, Humane Society of the United States etc.] Estimates for the cost to move three thousand cubic feet of sand skyrocketed when they added the policing costs into the project costs to deal with protests by seal activists. Estimates were in the $700,000 range to disperse seals and deal with anticipated civil disturbances. [See previously submitted Children's Pool Compliance Plan and: La Jolla Children's Pool, Beach Management and Water Quality Improvement Project", 08-27-1998]

That fear stopped the City from fulfilling their obligations under the State Tidelands Grant at Children's Pool and has led to the misguided attempt to add a Marine Mammal Park into the park intended for children. This effort to avoid the cost to maintain Children's Pool Beach for the intended purposes, led to beach closures and unfulfilled obligations to protect public health by maintaining the beach compliant with the State Tidelands Grant [Trust].

In this screen clip of the City Negative Declaration in 2013, the following environmental factors were considered and deem to not be significant. This project which had the primary goal of closing Children's Pool was now determined to not have significance in the factors of human health, public safety and [exposure to] hazardous materials that were determined to be significant in the City's 2009 EIR for the exact same beach closure project and alternative option.

Negative Declaration No. 225045/SCH No. 2013041059, Children's Pool Closure. December 3, 2013

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Population/Housing
☐ Agriculture and Forestry Resources	☐ Hazards & Hazardous Materials	☐ Public Services
☐ Air Quality	☐ Hydrology/Water Quality	☐ Recreation
☐ Biological Resources	☐ Land Use/Planning	☐ Transportation/Traffic
☐ Cultural Resources	☐ Mineral Resources	☐ Utilities/Service System
☐ Geology/Soils	☐ Noise	☐ Mandatory Findings of Significance

DETERMINATION: (TO BE COMPLETED BY LEAD AGENCY)

On the basis of this initial evaluation:

☒ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

Negative Declaration No. 225045/SCH No. 2013041059, Children's Pool Closure. December 3, 2013

II. ENVIRONMENTAL SETTING: See attached Initial Study.

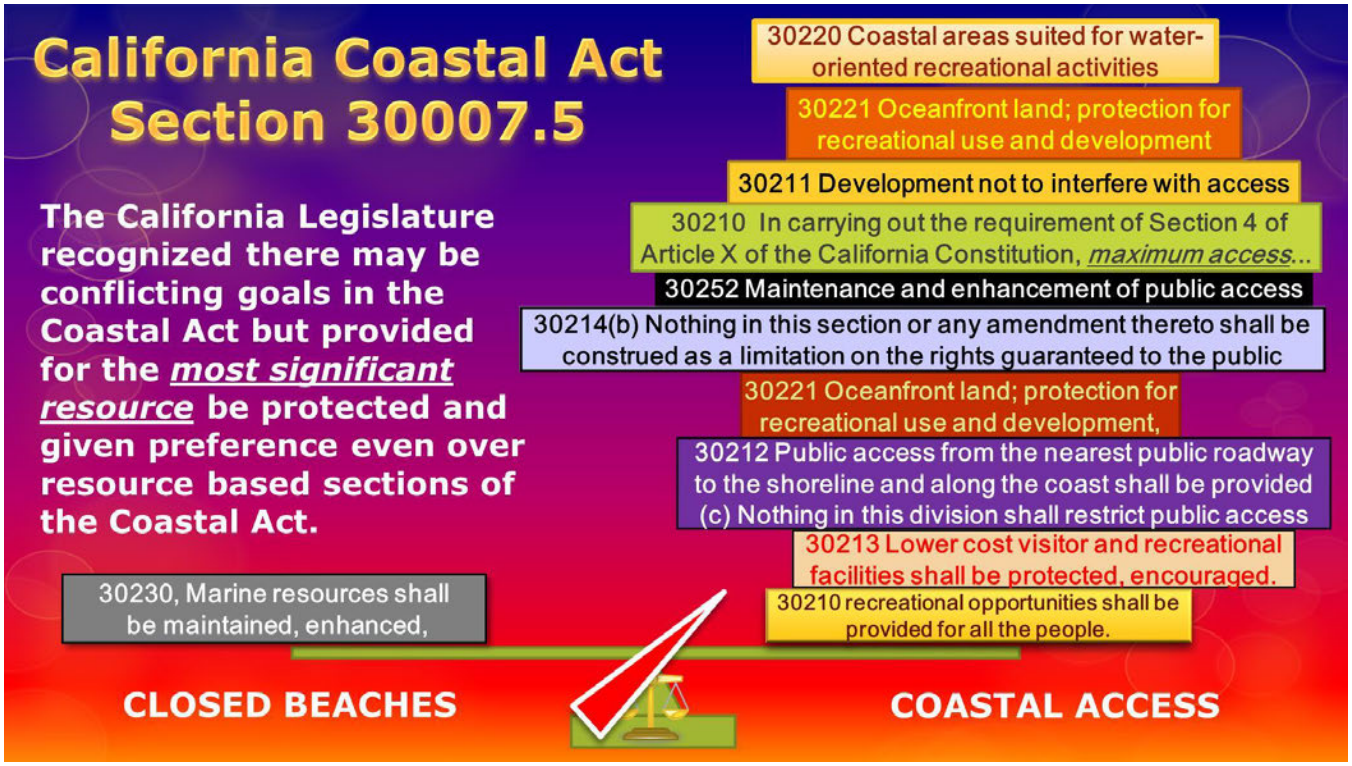
III. DETERMINATION:

The City of San Diego has conducted an Initial Study and determined that the proposed project will not have a significant environmental effect and the preparation of an Environmental Impact Report will not be required.

In 2013 the City tried to use an Environmentally Sensitive Habitat Designation [ESHA] designation to apply for a Coastal Development Permit for beach closure. They must have believed with an abundant display of great concern for the sensitivity to environment factors that a CDP would be easily forthcoming from the Coastal Commission. Commission staff correctly rejected that designation and asked the City to substitute Coastal Act section 30230 in place of ESHA designation. Trouble is, section 30230 did not carry the weight or significance of the ESHA designation.

Errata to Negative Declaration No. 225045/SCH No. 2013041059, Children's Pool Closure. December 3, 2013

Children's Pool Closure. The proposal is a request for an AMENDMENT TO THE LA JOLLA COMMUNITY PLAN AND LOCAL COASTAL PROGRAM to ~~establish an Environmentally Sensitive Habitat Area (ESHA) and buffer area for the Children's Pool Beach. The amendment will also include modification~~ to establish community plan policies to support a seasonal closure of the ~~he ESHA~~ Children's Pool Beach consistent with Coastal Act Section 30230, "Marine resources; Maintenance" during harbor seal pupping season to contribute to the protection of ~~a sensitive habitat~~ an area of special biological significance for breeding pinnipeds, a COASTAL DEVELOPMENT PERMIT (CDP), to prohibit access to the Children's Pool beach annually from December 15-May 15. Implementation of the project will require the installation of two signs, one approximately 36" by 30" and one 24" by 18" on the existing wall and gate, respectively, and a chain barrier at the second landing of the lower stairs of the existing set of stairs that provided access to and from the beach area, and an AMENDMENT TO THE SAN DIEGO MUNICIPAL CODE (SDMC) to add a Section 63.0102(e)(2) that would state: *It is unlawful for any person to be upon or cause any person to be upon the beach of the La Jolla Children's Pool, starting from the lower stairs to the beach, beginning with the second landing, from December 15 to May 15.* The project is located at 888 Coast Boulevard in the La



The beach closure permit application should have been rejecting when considering the balancing provision of Coastal Act section 30007.5

§ 30007.5 . . . The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the ***most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies.***

The specific sections of the Coastal Act which carry more significance than section 30230 in a section 30007.5 analysis are these specific Coastal Act sections:

§ 30211; Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization….

§ 30212; (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects….

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required

by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

§ 30213 Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided.

§ 30214 (b) …Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

§ 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

§ 30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development…

From the State Constitution:

ARTICLE 10 WATER

SEC. 4. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

ARTICLE 1 DECLARATION OF RIGHTS

Section 25. The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; provided, that the legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken.

The long and conflicted history of Children's Pool should cause this entire process to be put on hold while a truly independent and impartial analysis is conducted to provide accurate environmental data. An independent analysis free from a City contract will show ways to mitigate the well-known negative impacts of their beach closure that created a defacto wildlife reserve. The Coastal Commission has a duty to verify compliance under the Coastal Act from the administrators of all Local Coastal Programs.

A ten-year renewal of existing permit condition will not accomplish anything of value. It will only allow San Diego to hide from accountability for ten more years.

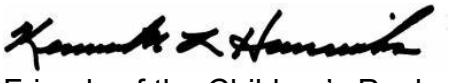
San Diego Coast CCC staff appear to be acting more as a willing facilitator to the local government's plans rather than working in a watchdog capacity to safeguard citizen's right protected in the Coastal Act and the State Constitution.

Where mismanagement by local governments as LCP administrators are suspected, the Commission must act. In the case of the City of San Diego and their mismanagement of Children's Pool, that requires the Commission to demand accountability and Coastal Act compliance from the City of San Diego.

The intent of the Special Conditions imposed by the Commission in 2014 have not been satisfied. It cannot be that the Commission only wanted more studies without concrete step to accomplish the goals of those conditions.

It is not a surprise the City found no possible way to accomplish the intended improvements. The Commission should see through the City's failure to find solutions to the problems outlined in the Special Conditions. The City cannot be excused from their responsibility of the negative environmental impacts from their beach closure plan.

Kenneth L. Hunrichs, President



Friends of the Children's Pool

From: FoCP [mailto:focp@san.rr.com]
Sent: Friday, June 07, 2019 8:47 AM
To: ChildrensPool@Coastal
Subject: Fwd: Lifeguard was prohibiting access today An entry to the public comment on the closure

.....To the Commissioners relayed from a beachgoer intimidated by San Diego employees carrying out the true purpose of their Rope Barrier.
We have deleted the name per request. The below amounts to a complaint against the City for violating the Coastal Act by driving citizens off a public beach for convenience.

The City has claimed that tideland was not just entrusted to the City, but is therefor City property. And the Coastal Commission has accepted that, allowing a holder of an LCP has that power to exclude inconvenient visitors. That is essentially ownership. And San Diego wants the CCC to impose another decade on the people of San Diego, and California. A visual deterrent, as described.

I might add that I myself often cross the rope barrier now and look for shells and sea glass and lifeguards say nothing. One did once, and I just asked where I should sign the citation and that ended that. But most everybody else thinks they are helpless. How would they know a Coastal Commission exists to protect them?

-------- Forwarded Message --------

Subject: Lifeguard was prohibiting access today

Date: Fri, 7 Jun 2019 09:11:38 +0000 (UTC)

From: xxxxxxxxxxxxxxxxx

To: focp@san.rr.com <focp@san.rr.com>

Dear friends of Children's Pool,

I live near and visit Children's Pool beach frequently. Occasionally, misinformed people ask the lifeguards to stop me or others from accessing the beach. When called upon by these people, the lifeguards had always confirmed that beach access is allowed from May 16 - December 15 and that crossing the rope is OK as long as distance is kept from the seals.

Yesterday was the first time I have seen the lifeguards deviate from that. This was a few minutes before 6:30 PM on Thursday, June 6. I was in the viewing area above the beach next to the lifeguard tower. There were about a dozen people down on the sand past the rope. There were no seals on the beach. Seemingly out of the blue, a lifeguard used the loudspeaker to order all people back behind the rope and to stop collecting shells. He did not give a reason or cite a law. Fishing and collecting are actually allowed in this area as it is outside the restricted zones. He did not seem familiar with the laws.

I certainly hope this does not become a trend. Until this day I had only seen the lifeguards stay neutral while enforcing the laws within reason. Normally they use the loudspeaker to ask someone to step away from the seals when they are too close. This time no one was violating that. I have never seen them deny anyone access to the beach like this. It was disappointing to see the authorities ordering people to stop doing things they are legally permitted to do.

Please do not use my name or email address.

Thank you for all the work you do.

-- A neighbor

From: Friends of the Children's Pool [mailto:friendsofthechildrenspool@cox.net]
Sent: Thursday, May 30, 2019 10:02 PM
To: ChildrensPool@Coastal
Subject: Letter published in the La Jolla Light for the Children's Pool Beach closure permit CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits

This message is being submitted to the public comment record for Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits

La Jolla Light, MAY 22, 2019
Opinion / Letters to the Editor / Our Readers Write:

Put people first at Children's Pool

In last week's letter from James Hudnall regarding the ecology of Children's Pool, I think he needs to re-align his sense of priorities in life, as should all other proponents advocating for seals and sea lions to have priority over humans — and particularly children — at Children's Pool and La Jolla Cove. These humans all live somewhere far away from La Jolla and do not appreciate the history and purpose for these two beaches that were once the town's jewels.

There are more than 1,000 miles of coastline along California, including dozens of secluded islands, where sea life can dominate without any interference from humans, and several thousand more miles both north and south of California. Only a tiny fraction of the coast is used by humans, leaving at least 99 percent or more for pinnipeds and other sea life to perpetuate their species, transport nutrients, and defecate wherever the need arises.

Ellen Browning Scripps extended her generosity to create the seawall for Children's Pool in order for children to have a calm and safe place to swim, and not for seals that can manage perfectly well elsewhere without endangering the future existence of the species.

The comment "allow our public maximum enjoyment of seals and the beach" is a ridiculous statement since it is exactly "our public" that is denied enjoyment of the beach by protecting it for the seals. The Children's Pool was

intended for children and families of “our public.” I came to La Jolla as a child, just a couple of months after the end of World War II, and learned the motions of oceans at the Pool prior to venturing to the mild waves at The Cove, and eventually, on to beaches with open surf, as did most of my friends.

Those who have such a sanctimonious stance in favor of seals versus the needs of our children to learn “how things work in our interconnected world,” need the “further education” to prevent fouling of our previously (before the seals) pristine ocean and endangering the health — not just of our own children and other citizens — but also to other sea life. When I was young, the ocean glittered with Garibaldi that have been virtually decimated by the gluttonous seals.

Such “eco” crowd colleagues are the ones that need to learn to “live in harmony” with the human race and quit trying to impose their “eco” absurdness over the few places suitable for the enjoyment of humans, particularly in La Jolla, which should be allowed to be decided over by La Jollans.

Erik Holtsmark, *La Jolla since 1945*

From: Friends of the Children's Pool [mailto:friendsofthechildrenspool@cox.net]
Sent: Sunday, June 02, 2019 9:40 PM
To: ChildrensPool@Coastal
Subject: Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits.

This message is being submitted to the public comment record for Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits

La Jolla Light, MAY 28, 2019
Opinion / Letters to the Editor / Our Readers Write:

People need Children's Pool more than seals do

Thanks to Erik Holtsmark for his letter to the Light last week. He makes points that are often ignored. Regarding the Children's Pool, I've seen letter writers make such comments as, "Why don't you just go to another beach?" and "With so many swimming pools here, why not just swim in those?" Such comments miss the point entirely and show an ignorance of what the Children's Pool has always been about. It's not about just another patch of sand to sit on.

The Pool has always been a place where children (and adults) can swim safely in the ocean and learn to appreciate the marine environment. There isn't really anywhere else (besides La Jolla Cove) when kids can put on their fins and masks and explore the undersea wonders the Pool affords.

It's like swimming in an aquarium exhibit. The eelgrass ebbs and flows with each swell, and the calico bass and opaleye, with their distinctive white "eye spots," hide under the shallow ledges. The bright orange garibaldi are magical, and the juvenile ones with their neon blue spots make a special sight. There are sometimes octopi, sea hares, spider crabs, sea stars, sea urchins in their little cubbyholes with their purple spines, lobsters hiding in their holes, and all too rarely, abalone. I once counted 26 types of fish in one summer.

This experience can grow into a lifelong love of the ocean, as kids grow up and venture beyond the pool. When swimming and diving in the sea, one is immersed in nature, not merely being a spectator. It's a powerful force for instilling a love of all nature.

Other local beaches, such as Windansea and La Jolla Shores, are too churned up to see anything but sandy water without swimming out past the surf line. That isn't practical or safe for children. (Just ask the lifeguards.)

Another issue that is often overlooked is that of non-interference with nature. A guiding principle of wildlife preservation is to let nature take its natural course. We prohibit "feeding the animals,"

we avoid interfering with wildlife, and we try to keep their habitat in its natural state. But the Children's Pool sandy beach is not a natural habitat, it's man-made. It's not like our beautiful natural wetland preserves. The harbor seals don't need this man-made beach; they are thriving on a thousand miles of coastline. They don't need our help, just as they never needed this beach for the first 60 years of its existence. Coddling these seals is akin to feeding the animals — it's interfering with nature. Just because they're cute doesn't make it right.

Please consider the unique, special nature of the Children's Pool. It's a rare treasure for children (and adults) and its loss would be tragic. Let people enjoy it!

John Welsh, La Jollan since 1951

From: Friends of the Children's Pool [mailto:friendsofthechildrenspool@cox.net]
Sent: Sunday, June 02, 2019 9:44 PM
To: ChildrensPool@Coastal
Subject: Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits

This message is being submitted to the public comment record for Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits

La Jolla Light, MAY 28, 2019
Opinion / Letters to the Editor / Our Readers Write:

Children's Pool belongs to children

I'd like to thank Erik Holtsmark for his intelligent, fact-based letter in the May 23 issue. I've been coming several times a year to La Jolla since 1977 and have been amazed at the ongoing nonsensical public debate about the seals at Children's Pool. I've traveled the West Coast many times and have seen countless areas where seals go forth and multiply to their hearts' content. Why are some folks compelled to deny children (and their families) access to that which was given to them in the first place? Ellen Browning Scripps must be rolling over in her grave.

Natexa Verbrugge

Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com June 3, 2019

To California Coastal Commission staff public input file on Children's Pool public closure renewals.

Ref: Your oldest fans are saddened to see the Commission losing ground to a greedy local corporation – San Diego, but it does not have to be.

I am of a demographic that has depended on you: swimmers, divers, fishermen, who consider the Coastal Act with the State Lands Act to be Civil Rights in action. Without the CCC those would be sold to the highest bidders by beach towns long ago. Simple real estate. But the CCC has to issue LCP's to make localities accept and cooperate. San Diego is an expert at manipulation and playing off opposing forces. Getting the Coastal Commission to help drive the public off trusted tidelands to increase its value to City operations as its paramount purpose was hard won. And the greatest test of the Coastal Act it has ever failed.

This latest battle for ownership of what is supposed to have no owner shows San Diego has mastered the weaknesses in the system and we are fearful. Others will follow. The Children's Pool is a lead domino. If you think you don't have the public support to push back special interest groups that want to repurpose tidelands piece by piece, please ask. You have the support if you want it.

San Diego and NOAA have struggled for 30 years over what belonged to neither. Each wanting control but not responsibility or cost. When San Diego was ordered to restore our trusted gift to its former public value, the battle was on, and a new player emerged, looking for power and control too: Animal rights activists, like Humane Society, seeing a power vacuum and a cause and a new tool called the Blackfish technique. Another seeking to repurpose the Coastal Act.

The Coastal Commission was invented to intercede for the people. We are they; not the 130 lawyers San Diego has on staff, not the streetwise misanthropes who think their cartoon world carries force of law above the laws of Man. We who need you the most to protect the entire coastline from expert exploiters ask that you assert your core values.

We welcomed those seals, nobody else had ever treated them well enough to share habitat casually. If they had been mistreated they would have left long ago. Now we have attracted sea lions with kindness. NOAA considered it a crime. San Diego saw profit advantage. But we did it. We invited seals and sea lions to share and they accepted. Do not punish us for that. That is not your purpose.

San Diego and NOAA do not own the tidelands and the people and the creatures. Push those both back away so we can find harmony again. Neither is an honest broker. That is why the Coastal Commission was made. Not to divide up ownerships of parcels but to deny ownership at all, to remove the toys from the bad children that won't share. We can share, we taught the seals they could share. The Coastal Act was not originated to divide up the coast with chains and fences and walls. The State Constitution is your backbone. We need you to remember that.

John Leek San Diego, 92123

Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com June 6, 2019

To California Coastal Commission public input file on Children's Pool closure renewals.

Ref: We in San Diego need an effective Coastal Commission to protect citizen ocean access rights from our City government.

The Commission is forced to work with San Diego as holder of its Local Coastal Plan. It is seemingly required to bend over backwards to accommodate anything an LCP holder wants (sec 30336).

Yes, he CCC is limited in what it can do. It tried to impose conditions, but left the investigation and implementation up to the LCP holder. Such are the limitations of Commission personnel and budget. Now we know that does not work. This will be established precedent if the Commission does not assert its mandate.

It was suggested the Coastal Commission at least set a condition that no other beach closures for pinnipeds be allowed. That probably would not work, looking at how we have gotten here. Conditions have to have consequences that San Diego cannot get around and must be immediate. Passive resistance has worked too well against the Commissioners.

We have to ask that the Coastal Commission defend itself against San Diego's creeping usurping of tideland control. Essentially that the Commission impose a new condition that San Diego carry out the mitigations it was asked to consider, inconvenient or expensive as it may have thought them. It did not find them impossible or illegal.

San Diego must do them, immediately, under a renewal just long enough to complete each one. Maximum 2 years. Where San Diego is found evading the requirements, the permit ends then. Their fault, not the Commission's.

It has been demonstrated nothing less will bring San Diego to conform to the intent, letter and authority of the Coastal Act.

✦ LA JOLLA PARKS AND BEACHES, INC. ✦

25 January 2012

Ms. Stacey LoMedico
Director, Parks & Recreation Dpt.
City of San Diego, M.S.#37C
202 C Street
San Diego CA 92101

Dear Ms. LoMedico:

La Jolla Parks and Beaches, Inc., is concerned with the present project planned for replacement of the Children's Pool lifeguard station and has passed the following resolution:

L. J. Parks & Beaches requests that the City repair and open the entire ramp to the Children's Pool beach as part of the current lifeguard station project.

This ramp is identified as a coastal access in the La Jolla Community Plan.

The ramp is required for emergency and service vehicle access, and for access by the general public (for such as wagons and strollers). Moreover, it is essential to maintain public access to the beach for persons with limited physical mobility.

Furthermore, keeping this ramp open serves to enhance public safety because it will be the quickest way for lifeguards to access the beach in an emergency, particularly for lifeguards carrying rescue paddle boards.

For all these purposes, ten-foot wide access is necessary, as is removal of the gate lock. Vehicle trespass can be restricted using removable bollards anywhere along the ramp.

I look forward to hearing from the City regarding this request. Please arrange for the appropriate staff to contact me at earliest convenience.

Yours sincerely,

Patrick Ahern,
President

cc: Mayor Jerry Sanders
Councilmember Sherri Lightner
Mr. Rick Worth, Lifeguard Chief

P.O.BOX 185, LA JOLLA, CALIFORNIA 92038 · 858.220.9001 · LJPARKSNBEACHES@GMAIL.COM

La Jolla Community Planning Association

March 25, 2019

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Re: Children's Pool Beach Closure, CDP # 6-14-0691 and Rope Barrier, CDP # 6-15-0223 permits.
The La Jolla community, through a vote of the majority of Trustees of the La Jolla Community Planning Association, opposes the renewal of CDP # 6-14-0691 & CDP # 6-15-0223. These Coastal Development Permits should not be renewed without requiring the intended implementation of improved access, sand and water quality in the permit conditions. Unsafe conditions from widespread animal waste on the sand, polluted water and closed beaches are contrary to local community standards contained in the La Jolla Community Plan. The Commission should require additional performance benchmarks on the City's permits with the goal of actually improving sand and water quality and better beach access for disabled visitors.
The conditions for the beach closure permit CDP # 6-14-0691 are :**"During the five year [permit] period the City shall":**

1. **"Examine the feasibility of ADA access."**

The Children's Pool beach access ramp is identified as public access in the LCP. The City opposed a disabled swimmer's request seeking reasonable accommodation to use the existing beach access ramp at Children's Pool. A lawsuit was filed but later withdrawn because of a ruling in a separate case. The City spent more resources fighting against improved access for the disabled than it would have to restore and reopen the ramp as a reasonable accommodation for the disabled and public use. Existing ADA law does not require the ramp to be changed to current ADA standards.
The City has not complied with their own development permit requiring emergency vehicle access to the beach when they built the new lifeguard tower at Children's Pool, CDP NO. 549686. The City has permanently barricaded the beach access ramp with an unpermitted concrete barrier. This un-approved development will be the subject of an upcoming "Substantial Conformance Review" hearing at the City.

2. **"Examine water quality and determine any method to improve it."**

The City has not met State water quality standards at Children's Pool for decades because they have taken no action to reduce the seal waste overload on the beach. There has been no cleaning of the beach since volunteers cleaning the beach were forced to stop by the City in 2013. In August 2018 new County Health Dept. warning signs were posted along the rope barrier indicating a worsening of water quality at the Children's Pool. The "temporary" advisory signs remained until the beach closure in December 2018.

3. **"Analyze the quality of the sand and determine a method for improving it."**

Two decades of seal waste accumulation on Children's Pool Beach has negatively impacted water and sand bacteria levels. There is no shared use when the summer season starts when beach goers are faced with a beach full of seal waste from the previous closed season. Regular beach cleaning at the beginning of the summer would greatly reduce the buildup of harmful bacteria into the water and sand. Even with the conditions placed on the beach closure permit by the Coastal Commission, the City refuses to clean the beach as was done regularly in the past.
Long term renewal of the current permits will foreclose on any discussion of alternative ways to provide for better access while protecting wildlife. A balanced management plan with defined improvement goals over a one or two year period should be considered instead of meaningless studies and before granting a long term permit renewal.

Children's Pool Rope barrier CDP # 6-15-0223

The rope barrier blocking access across 152 feet of a 155 foot wide beach (98 %) is an encroachment on an established physical access way to the shoreline in violation of the Coastal Act. A summertime rope barrier cannot be justified or permitted to remain in its current form. Any access restrictions must change with changing conditions every day. A City Ranger was hired and should be used for this specific purpose depending on current conditions.
Two decades ago, the City refused to follow NOAA/NMFS recommendations to discourage harbor seals from establishing a colony on Children's Pool Beach. The latest opinion from NOAA is they do not think beach closure was necessary to prevent disturbance of the seals. The closure has led to increased pollution in the sand and water. This represents a degradation of coastal access protections in the Coastal Act.

Please reject the City's application for beach closure permit extensions without imposing intended improvement standards. Instead, please require a better beach management plan that accommodates all users of the beach with clean sand and water. The Children's Pool Beach closure was an extreme measure which has encouraged colonization by more seals at Children's Pool and nearby beaches. This will only lead to more demands for more closed beaches as popular urban recreational beaches are occupied by the growing seal population. This is of great concern to the La Jolla Community Planning Association and anyone wanting to maintain and improve coastal access in La Jolla.

Sincerely,

Bob Steck, President
La Jolla Community Planning Association

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month | La Jolla Recreation Center, 615 Prospect Street

Contact Us:
Mail: PO Box 889, La Jolla, CA 92038
Web: www.lajollacpa.org
Voicemail: 858.456.7900
Email: info@lajollacpa.org

President: Tony Crisafi
Vice President: Matt Mangano
2nd Vice President: David Gordon
Secretary: Suzanne Weissman
Treasurer: Michael Costello

June 7, 2019

Melody Lasiter, Coastal Program Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108
619-767-2370
childrensPool@coastal.gov

Th21a & Th21b
Children's Pool Beach

At it's meeting of June 6, 2019 the La Jolla Community Planning Association (LJCPA) voted to add an addendum to its March 25, 2019 to the California Coastal Commission.
Recommendations to the California Coastal Commission at the 13 June 2019 Meeting.
The La Jolla Community Planning Association recommends the following for your Motion on the Children's Pool Beach Rope, Th21a & Th21b.

1) Extend the current permit for one more year, 2020.
2) Begin the beach closure on Jan 15 2020, end it on April 15 2020.
3) Direct City of San Diego Staff to present meaningful and viable plans to address the four issues presented in the LJCPA letter dated March 25, 2019, to the public and Planning Groups in 6 months.
4) Return to the California Coastal Commission in the Summer of 2020 with a new application solving the listed problems.

Tony Crisafi
President,

Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com June 6, 2019

To California Coastal Commission public input file on Children's Pool closure renewals.

Ref: We in San Diego need an effective Coastal Commission to protect citizen ocean access rights from our City government.

The Commission is forced to work with San Diego as holder of its Local Coastal Plan. It is seemingly required to bend over backwards to accommodate anything an LCP holder wants (sec 30336).

Yes, he CCC is limited in what it can do. It tried to impose conditions, but left the investigation and implementation up to the LCP holder. Such are the limitations of Commission personnel and budget. Now we know that does not work. This will be established precedent if the Commission does not assert its mandate.

It was suggested the Coastal Commission at least set a condition that no other beach closures for pinnipeds be allowed. That probably would not work, looking at how we have gotten here. Conditions have to have consequences that San Diego cannot get around and must be immediate. Passive resistance has worked too well against the Commissioners.

We have to ask that the Coastal Commission defend itself against San Diego's creeping usurping of tideland control. Essentially that the Commission impose a new condition that San Diego carry out the mitigations it was asked to consider, inconvenient or expensive as it may have thought them. It did not find them impossible or illegal.

San Diego must do them, immediately, under a renewal just long enough to complete each one. Maximum 2 years. Where San Diego is found evading the requirements, the permit ends then. Their fault, not the Commission's.

It has been demonstrated nothing less will bring San Diego to conform to the intent, letter and authority of the Coastal Act.

Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com June 5, 2019

EX PARTE TO A COASTAL COMMISSIONER:

Commissioners need answers, hopefully to be found in staff recommendations or public comments

1. Did San Diego meet the Conditions imposed for the 5 year beach closure permit?

San Diego says if did, because it "considered the feasibility" of stipulated mitigation measures and found them uncompelling. Did Commission impose any conditions requiring any action? Can it?

2. If San Diego or any other coastal town wants to make another beach a closed animal habitat, must the Commission grant a permit under Section 30230?

By precedent set, economic value as a tourist attraction and reduction of burdensome administrative costs justify denial of public access. No emergency or public safety issue is required. Doesn't Section 30336 require the Staff and Commission do everything they can to grant a requested permit to an LCP holder?

3. Must the Commission grant permits to close beaches to protect sea lions also?

There is no legal difference in the status of seals and sea lions nor elephant seals. All 3 are federally protected species though overly plentiful, and becoming unafraid to share public land with people. Sea lions have become a bigger tourist attraction than harbor seals in San Diego where anyone can walk right up to them. With weaning time, their "Pupping Season" is officially 11 months of the year. LCP holders choose what permits are sought, not the Commission. Right?

4. Is Children's Pool the only marine mammal rookery (breeding, nursing place) in San Diego?

Adjacent South Casa Beach was recognized by NOAA as a seal rookery in 2009. Native sea lion pups were first documented 3 years ago north of Children's Pool at Boomer Beach, Point la Jolla, La Jolla Cove and Bluffs east of La Jolla Cove. Their numbers increase every year. Young northern elephant seals have been relocated from La Jolla beaches and none have returned. San Diego has not advised the staff of this. Is the Commission limited to act only on what the LCP holder tells the Staff?

5. What alternatives are there to another decade of beach closure granted San Diego?

a. The Commission could impose conditions requiring real actions instead of "considering" them and give San Diego a 2 year extension in which to do it. Or Else.

b. The Commission could consider the 5 month closure the final solution but let the Rope Barrier lapse. San Diego escalated to pupping season closure saying "the rope did not work". So why is it there, not doing any good? It is an encroachment on public access for civic convenience, as described; "A visual deterrent".

c. The Commission could require trying the "Lifeguard Plan" which the City hid from the Commission last time. It simply turns the rope 90 degrees so people have some legal path to the

water but seals still have their protected area and private haulout route. It does not have to be difficult or expensive. Access for fishing would be restored as had been required for the old "Seal Rock Reserve". See Calif Constitution Sec 25.

d. The Commission could simply require San Diego obtain a declaration from NOAA that San Diego did have or has been granted jurisdiction over marine mammals on its state tidelands.
e. The Commission could require San Diego obtain a statement from the most qualified harbor seal expert in San Diego County and the state, Dr. Doyle Hanan, that closure of the Children's Pool was needed for the survival of the harbor seal stock in San Diego.
f. The Commission could refuse to support the closure unless the City assigns its shoreline rangers to cite persons approaching marine mammals on any beach known to be an active "rookery", that is, where marine mammal pups are seen. As it briefly did in the past.
g. The Commission could refuse to support the closure without San Diego getting permission and recommendation from the State Lands Commission and California Fish and Wildlife depts.
h. Simply not renewing the permits could be politically expensive for the Commission. Protestors could be in the local office every day defying police to remove them. The Commission has to leave San Diego responsible for its failures of governance, not the Commission.

6. Must the Commission sometimes defer to the federal National Marine Fisheries Service (NMFS) and its Marine Mammal Protection Act (MMPA)?

The closure permit was issued though NOAA/NMFS had advised the Commission the MMPA forbids any state from "attempting to enforce any law concerning the take of marine mammals". The Commission said the closure was "consistent with the MMPA", so not a violation. An appeals court ruled the Commission interprets the Coastal Act without regard to other legal systems. NOAA raised no objection. It appears the Commission now has no responsibility to honor aspects of the Marine Mammal Protection Act. The real question remaining is:
…….Did the Commission ever have to issue a permit to San Diego to protect it from NOAA oversight (and adverse sections of the State Lands Act)? Must it do so in the future, for all coastal municipalities?

7. Was Public Input posted 10 days ahead of the hearing as required by CCC procedures and the Brown Act.

All interested parties were notified by mail, given notice of the "Coastal Permit Amendments" so the Staff Report was made public. Were you advised of any way to read the public input the Staff received by any means except to go to the San Diego Commission office and ask to look in the file?

Addr Childrenspool@coastal.ca.gov.

From John Leek, Jleek001@san.rr.com June 6, 2019

To California Coastal Commission public input file on Children's Pool closure renewals.

Ref: San Diego has found how to manipulate the Coastal Act, but the Commission can still get control back with a simple move.

This present battle for ownership of what is supposed to have no owner shows San Diego has mastered a weakness of the system. Others will follow, all over California. To protect itself, the Commission can add a condition:
Children's Pool will be the last beach San Diego ever requested to deny citizen access for pinnipeds.

- Since San Diego spent 5 years looking for mitigations for closing one of its most popular beaches and could not find any feasible, or to its liking:
- Since San Diego claims to have solved existing problems concerning citizens and urban marine mammals elsewhere with public education and a few signs;
- Then "discovering" another beach to close for animal protection cannot happen.
- Therefore, If San Diego finds it needs to resolve problems between citizens and marine mammal advocates in the future, do not come back to the Coastal Commission again:
- Go to NOAA or to California Fish and Wildlife for help.
- Or use existing City Codes against animal disturbance and public disturbance to deal with individual offenders using San Diego's own law enforcement resources.

The Coastal Commission might have hoped conditions imposed 5 years ago would cause San Diego to assume responsibility to mitigate denial of public access. The cost of legal defense for violation of the Marine Mammal Protection Act might cause San Diego to seek a less radical solution. No. San Diego already had spent millions to evade state law in the Landgrant Trust. The stakes are higher than that. It had already "considered feasibility" of inconvenient mitigations and alternatives.

Section 30336 requires…The commission shall, to the maximum extent feasible, assist local governments in exercising the planning and regulatory powers….. which requires the Staff help prepare a permit request that will be accepted and then accept the applicant's word and assessments of evidence and history. The holder of an LCP is a client to be served by the CCC to its advantage. Proof of need, and evidence of compliance comes only from the applicant. Imposing the above condition is the only way we can think of to prevent the CCC being misused all over California in the future.

June 6, 2019

California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421
Attn: Melody Lasiter, Coastal Program Analyst

Correction to Ranger Belesky letter regarding CDP # 6-15-0223 Children's Pool rope barrier and CDP # 6-14-0691 seasonal beach closure.

Dear Ms. Lasiter,

City of San Diego Park Ranger, Richard Belesky wrote a letter on December 17, 2018 in favor of the **CDP # 6-15-0223 Children's Pool rope barrier and CDP # 6-14-0691 seasonal beach closure:**

One paragraph reads as follows:

> First, and most importantly, the Children's Pool has ceased being scene of conflict and controversy. With the Beach Closure law on the books and affirmed as legal by the U.S. District Court of Appeals, there is nothing left for people to argue about. There have been no public demonstrations demanding any different course of action because the City has decided the matter.

More accurate is: The Federal preemption clause of the Marine Mammal Protection Act (MMPA), was not deemed sufficient to overturn the City beach closure at Children's Pool. This Opinion was given by the Court of Appeal of the State of California, Fourth Appellate District, Division three, **not** the U.S. Court. The opinion was not published meaning it is not a legal precedent and cannot be cited or relied upon for other cases.

The pro-access community does not do public disruptions as does the anti-access group. The pro-access people depend on the correct interpretation of the Coastal Act and the State Constitution by the CA Coastal Commission to protect coastal access rights.

Sincerely,

Marie Hunrichs

Marie Hunrichs
mariehunrichs@cox.net

-----Original Message-----
From: Susan Medak [mailto:mostlyimproved@gmail.com]
Sent: Wednesday, June 05, 2019 11:15 AM
To: ChildrensPool@Coastal
Subject: Public Comment on June 2019 Agenda Item Thursday falseb - Permit No. 6-15-0223-A2 (City of San Diego Children's Pool Rope Barrier)

Dear CA Coastal Commission,

Take away the rope barrier. The Seal Grinch Crusaders came to La Jolla Children's Pool and snatched it right under our noses. According to these Seal Grinch Crusaders if we dare object, well, well, "How can you be so callus to the seals?" "Don't you see our superior vision of this area, we now call Casa something? We are willing to sacrifice YOUR children, YOUR love of this special place for what WE know is a higher calling.

I have had enough of these fools. The place sinks, the water and sand are polluted. Besides restricting all people from the area, the ocean environment is being destroyed. The Seal Grinch Crusaders are using the seals to promote their importance.

Maybe their tiny hearts could grow and they could come together with love and restore this precious place for ALL; us, all sea creatures and the ecological environment. We could all hold hands and sing. Take away the rope barrier.

Susan Medak

-----Original Message-----
From: Mark Pretorius [mailto:mark.pretorius@gmail.com]
Sent: Friday, June 07, 2019 8:28 AM
To: ChildrensPool@Coastal
Subject: Public Comment - June 2019 - Agenda item No: 6-15-0223-A2

Return Childrens Pool back to the Community - residents, taxpayers, visitors and children.
Encouraging an urban seal beach/rookery is an ecological / environmental mistake.

/Mark Pretorius
La Jolla Resident

From: Laurayne Ratner [mailto:laurayne.ratner@gmail.com]
Sent: Thursday, June 06, 2019 7:42 PM
To: ChildrensPool@Coastal
Subject: public comment on june 2019 children's pool rope barrier

please get rid of the filthy noisy and dangerous wild animals(seals)that have overtaken our children's pool
guaranteed as a gift from the scripps family in perpetuity for the use of children and families
NOT SEALS
they have multiplied like crazy and now have eliminated the possible use of the children's pool for its intended use
people
there are thousands of miles of coast in calif for seals and other animals
we are only one shark killing away from danger for humans due to seals as food source for sharks
who will then mistake people for the sharks and cause damage and death
this is ridiculous
i do not pay taxes in la jolla for seals to take over our small and special local beaches
take down the ropes and encourage the seals to leave
by any means possible
so that the water can be cleaned and used once again for la jolla families
this is a travesty !!!!!!!!!!
GET RID OF THE ROOKERY FOR THE PINNIPEDS
thank you
a la jollan for 60 years
LR

At last: Voices of Reason!

Finally, some voices of reason in regard to the seemingly perpetual ‘debate’ surrounding the Children’s Pool. Recently Holtsmark (LJ Light 5/23/2019), Welsh, and Verbrugge (LJ Light 5/30/2019) have eloquently pointed out the real significance of the Children’s Pool and the long-established rôle it has traditionally played in our community. The CP was created as a resource for all who enjoy the ocean, and has historically been a location where individuals, young and old, who enjoy the ocean but who, due to age or infirmity or for other reasons, cannot do so at many of our beaches which are typically exposed to wave action.

For those concerned about the welfare of the seals presently occupying the Children’s Pool I would suggest that trying to attract seals to the Pool and have them establish a breeding colony is, no matter how well-intentioned, a misplaced concern which is in disagreement with principles of wildlife management and tenets of basic population ecology. I suggest that efforts to perpetuate a seal colony at CP would be much better spent working on real ecological/environmental problems, of which there are more than enough to go around.

-Steve Roberts, La Jolla

California Coastal Commission
7575 Metropolitan Drive #103
San Diego, CA 92108

Re: City of San Diego Closure of La Jolla Children's Pool to recreational fishermen.

Dear California Coastal Commission,

The Watermens Alliance requests the California Coastal Commission assistance with limited access for recreational fishermen at Children's Pool in La Jolla imposed unlawfully by the City of San Diego.

The City of San Diego created, and is enforcing a no fishing areas at the Children's pool in La Jolla in disregard for the California Constitution, CDFW code, and public trust doctrine. The right for fishermen to share the beach with seals falls under a special state land grant trust, with a specific clause guaranteeing the absolute right to fish with convenient access to the waters. The City of San Diego is keeping fishermen from the area with ropes, intimidation, San Diego Municipal Code section 63.0102 (b) (10) and emergency beach closures.

- January 2013 The city installed a permanent 152 foot rope with a 3 foot opening at open end for access. The rope barrier stated as a temporary advisory structure. January 2013 the rope was extended from 132 feet to 152 feet. The opening does not comply with the Americans with Disabilities Act. ADA regulations require a minimum 4 foot opening and California Coastal Commission typically requires a 10 foot access.
- March 2013 The City of San Diego closed the beach form sunrise to sunset to the public and fishermen from March 19 2013 to May 15 2013. Mayor Bob Filner has issued an emergency order closing Children's Pool Beach at night during pupping season to protect nursing seal pups. This closure eliminates recreational fishing from the manmade break wall adjacent to children's pool, surf fishing from the beach, and recreational spearfishermen accessing the ocean.
- April 20.13 The city of San Diego submitted a Draft Negative Declaration of an Environmental Impact Report which would reclassify Children's Pool beach from a public beach to an "environmentally sensitive habitat area." The declaration states that implementation of the habitat plan at Children's Pool requires installing two signs on an existing wall and gate, as well as a chain barrier at the second landing of the lower stairs. The current night time seawall and beach closure could become a 24-hour closure during pupping season. The amendment to the San Diego Municipal Code would read: "It is unlawful for any person to be upon, or cause any person to be upon, the beach of La Jolla Children's Pool, starting from the lower stairs to the beach, beginning with the second landing, from Dec. 15 to May 15."
- May 2013 Mayor Filner personally directed San Diego Parks and Recreation Ranger Richard Belesky to use San Diego Municipal Code (Section 63.0102(b)(10) to cite anyone when he felt a seal was intentionally of unintentionally disturbed. San Diego Municipal Code (Section 63.0102(b)(10) Mistreatment of Animals; It is unlawful to take, kill, would, disturb, or maltreat any bird or animal either wild or domesticated, unless the same shall have been declared noxious by the City Manager, and a permit issues for the

killing of such noxious animals, provided, however, that Section 63.0102(b)(10) does not apply to any exhibit in the Sam Diego Zoo of Balboa Park when done by an employee in the course of his or her duties.

The Watermens Alliance requests California fish and wildlife's help with two matters.

1) Remind San Diego mayor and city council to uphold the California Constitution and protect recreational fishermen's rights to fish at Children's Pool.

2) Request correction to San Diego Municipal Code (Section 63.0102(b)(10), to protect fishermen's constitutional rights.

Thank you

Volker Hoehne
Chairman of the Board
619 994 4175
V_hoehne@hotmail.com

See attached;

Printed copy will be provided to the commission.

1) Childrens Pool Trust
2) Letter form Mayor Filner Closing Children's Pool at night
3) Images of Beach is closed signs
4) Images of Childrens Pool rope
5) Copy of San Diego Municipal Code (Section 63.0102(b)(10)
6) Coastal Commission permit to the City of San Diego approving the permanent placement of a year-round rope at La Jolla Children's Pool.
7) Email from San Diego Parks and Recreation Ranger Richard Belesky regarding San Diego Municipal Code (Section 63.0102(b)(10)
8) Memo from Mayor Filner directing San Diego Parks and Recreation to enforce San Diego Municipal Code (Section 63.0102(b)(10) at Children's Pool.
9) http://www.lajollalight.com/2013/03/19/mayor-orders-childrens-pool-in-la-jolla-closed-after-dark-through-may-15/
10) http://www.lajollalight.com/2013/04/30/'seal-cam'-operators-honor-mayor-in-la-jolla/
11) https://www.facebook.com/?ref=tn_tnmn#!/photo.php?v=4484789292855&set=o.132360856875903&type=2&theater
12) http://www.lajollalight.com/2013/05/01/city-seeks-to-close-la-jollas-children%e2%80%99s-pool-during-seal-pup-season/

Attachment 1
LEGISLATIVE COUNSEL'S DIGEST

SB 428 Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

Section 1 of Chapter 937 of the Statutes of 1931 is amended to read:

Section 1.

There is hereby granted to the City of San Diego, County of San Diego, all the right, title, and interest of the State of California, held by said state by virtue of its sovereignty, in and to all that portion of the tide and submerged lands bordering upon and situated below the ordinary high water mark of the Pacific Ocean described as follows:

Beginning at the intersection of the ordinary high water mark of the Pacific Ocean with a line bearing S. 87° 40’ W. from the monument marking the intersection of Coast Boulevard South with Jenner Street as said monument, said Coast Boulevard South, and said Jenner Street are designated and shown on that certain map entitled “Seaside subdivision number 1712” and filed June 23, 1920, in the office of the county recorder of San Diego County, State of California; thence N. 350’, thence E. 300’, thence S. 185’ more or less to the ordinary high water mark of the Pacific Ocean, thence in a general southwesterly direction along the ordinary high water mark of the Pacific Ocean to the point of beginning, all in the Pacific Ocean, State of California, to be forever held by said City of San Diego and its successors in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be devoted exclusively to public park, marine mammal park for the enjoyment and educational benefit of children, bathing pool for children, parkway, highway, playground and recreational purposes, and to such other uses as may be incident to, or convenient for the full enjoyment of such purposes.

(b) The absolute right to fish in the waters of the Pacific Ocean over said tidelands or submerged lands, with the right of convenient access to said waters over said lands for said purpose is hereby reserved to the people of the State of California.

(c) That there is excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

Attachment 2
The City prepares to close the beach to the public

CELEBRATING 100 YEARS
LA JOLLA LIGHT
ENLIGHTENING LA JOLLA SINCE 1913

current OPENHOUSES

City seeks to close La Jolla's Children's Pool during seal pup season

La Jolla Parks and Beaches group meets to debate closure

By Ashley Mackin

At its April 22 meeting, the La Jolla Parks and Beaches advisory committee (LJP&B), discussed a report from the City of San Diego that requests amendments to the La Jolla Community Plan, the Local Coastal Program, the Community Plan, and the Coastal Development Permit and Municipal Code, that would close Children's Pool beach entirely during pupping season, December to May, each year.

The Draft Negative Declaration of an Environmental Impact Report would reclassify Children's Pool beach from a public beach to an "environmentally sensitive habitat area." The declaration states that implementation of the habitat plan at Children's Pool requires installing two signs on an existing wall and gate, as well as a chain barrier at the second landing of the lower stairs.



The current night time seawall and beach closure could become a 24-hour closure during pupping season. Pat Sherman photo

The amendment to the San Diego Municipal Code would read: "It is unlawful for any person to be upon, or cause any person to be upon, the beach of La Jolla Children's Pool, starting from the lower stairs to the beach, beginning with the second landing, from Dec. 15 to May 15."

The initial study, conducted by the city, found the project would not have a significant effect on the environment. As a result, the city does not need to write an environmental impact report, and the declaration can be adopted as is, depending on the community input received.

The public comment period ends May 20, (see box above) and those interested in offering their feedback can find the notice and report at sandiego.gov/city-clerk/officialdocs/notices with a search for Project No. 225045.

The Children's Pool beach is currently closed at night until May 15 (the official end of pupping season) and there is also a year-round rope to encourage humans to stay a safe distance from the seals on the beach. Though it is legal to cross that rope, beach-goers must adhere to the Marine Mammal Protection Act, which dictates that humans keep at least 50 yards from pregnant and nursing seals and pups.

Comments both for and against the declaration and subsequent beach closure were made during the meeting with LJP&B Chair Dan Allen assuring that each person had his or her say.

LJP&B member Jane Reldan, a strong advocate for closing the beach, read her prepared statement to the group. "The closure of Casa Beach meets all of the requirements of the Coastal Act and has a positive impact on the environment and the protection of coastal resources," Reldan said.

One of many against the closure, Rebecca Morales said, "The pool was constructed for the use of children … there are very few places in the world where we find this kind of enclosure. We have an international gem here … there are places where we already have marine life sanctuaries."

Morales added that people have lost sight of the intended use of Children's Pool, to which LJP&B member Phyllis Minnick replied, "We haven't lost sight, it was taken away from us."

Attachment 3

Night Beach Closure signs left on the stairs all day









Attachment 4

Rope installed across Children's Pool Beach



Attachment 5

San Diego Municipal Code

San Diego Municipal Code Chapter 6: Public Works and Property, Public Improvement and Assessment Proceedings (12-2011) **§63.0102 Use of Public Parks and Beaches Regulated**

(b) It is unlawful for any person within any public park or plaza or public beach or beach areas within the City of San Diego to do any of the acts enumerated in Section 63.0102(b).

(10) Mistreatment of Animals. It is unlawful to take, kill, wound, disturb, or maltreat any bird or animal, either wild or domesticated, unless the same shall have been declared noxious by the City Manager and a permit issued for the killing of such noxious animals; provided, however, that Section 63.0102(b)(10) does not apply to any exhibits in the San Diego Zoo of Balboa Park when done by any employee in the course of his or her duties.

Attachment 6

THE CITY OF SAN DIEGO

May 22, 2012

Kanani Brown
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

RECEIVED
MAY 22 2012
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Coastal Development Permit Application #6-11-078

Dear Ms. Brown:

I am submitting the following information in an effort to assist Commission staff to gain a clear understanding of the scope of this project as requested in your letter dated May 8, 2012.

1. In addition to the substantial amount of documentation already provided as to the City Council's resolution on the year-round rope the City has not completed any technical studies performed on the effectiveness of the rope.

   Please see attached photos (Attachment #1 and #2) as taken in April 2012 by City Park Ranger. Attachment #1 is a photo of what the beach will look like on a typical Saturday during this time of the year. Individuals will place banners, umbrellas, and non-official signage on the beach to demonstrate that the beach is open for public use and that the rope is only a guideline, not a legal barrier. This encourages visitors onto the beach without reading the official signage that explains their responsibilities of keeping far enough away so as not to disturb the seals. In contrast to Attachment#1, Attachment #2 photo shows the beach on the following day without the umbrellas, banners and non-official signage. Visitors will observe the large number of seals, from behind the rope, maintaining a safe distance that varied with the tides and also the location of hauled out seals. It has been the observation of the Park Ranger that the rope is an effective visual deterrence from getting too close to the seals on the beach.

2. As a reminder, the rope is a visual deterrence only and as per the City's Site Development Permit (SDP), which you have a copy, is clear that individuals are NOT prohibited from crossing the rope. The only additional assistance to ensure that people adhere to standing behind the rope and not getting too close to the seals is the City Park Ranger who is assigned to the Children's Pool. He works Saturday through Wednesday and is normally on site from 11:00 A.M. to 5:30 P.M. Please note in the ranger's absence due to training, off-site meetings, vacations and other related leave time there is no replacement/back-fill. The position is budgeted in the City's Fiscal Year 2012 budget (current year) as well

Developed Regional Parks Division • Park and Recreation
2125 Park Boulevard • San Diego, CA 92101-4792
Tel (619) 235-1100 Fax (619) 235-1160

From: John Welsh [mailto:jbwelsh5441@sbcglobal.net]
Sent: Sunday, June 02, 2019 2:36 PM
To: ChildrensPool@Coastal
Subject: Save the Pool

Dear Coastal Commission,

Regarding the Children's Pool, I have seen letter writers make such comments as, "Why don't you just go to another beach?" and "With so many swimming pools here, why not just swim in those?" Such comments miss the point entirely and show an ignorance as to what the Children's Pool has always been about. It's not about just another patch of sand to sit on.

The Pool has always been a place where children (and adults) can swim safely in the ocean and learn to appreciate the marine environment. There isn't really anywhere else (besides La Jolla Cove) when kids can put on their fins and masks and explore the undersea wonders the Pool affords. It's like swimming in an aquarium exhibit. The eelgrass ebbs and flows with each swell, and the calico bass and opaleye, with their distinctive white "eye spots", hide under the shallow ledges. The bright orange garibaldi are magical, and the juvenile ones with their neon blue spots make a special sight. There are sometimes octopi, sea hares, spider crabs, sea stars, sea urchins in their little cubbyholes with their purple spines, lobsters hiding in their holes, and all too rarely, abalone. I once counted 26 types of fish in one summer.

This experience can grow into a lifelong love of the ocean, as kids grow up and venture beyond the pool. When swimming and diving in the sea, one is immersed in nature, not merely being a spectator. It's a powerful force for instilling a love of all nature.

Other local beaches, such as Windansea and La Jolla Shores, are too churned up to see anything but sandy water without swimming out past the surf line. That isn't practical or safe for children. (Just ask the lifeguards.)

Another issue that is often overlooked is that of noninterference with nature. A guiding principle of wildlife preservation is to let nature take its natural course. We prohibit "feeding the animals," we avoid interfering with wildlife, and we try to keep their habitat in its natural state. But the Children's Pool sandy beach is not a natural habitat, it's man-made. It's not like our beautiful natural wetland preserves. The harbor seals don't need this man-made beach; they are thriving on a thousand miles of coastline. They don't need our help, just as they never needed this beach for the first sixty years of its existence. Coddling these seals is akin to feeding the animals - it's interfering with nature. Just because they're cute and fuzzy doesn't make it right.

Please consider the unique, special nature of the Children's Pool. It's a rare treasure for children (and adults) and its loss would be tragic. Let people enjoy it!

Thank you,

John Welsh

April 20, 2019

RECEIVED
JUN 05 2019
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission. Attn: Melody Lasiter
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Re: Children's Pool

Unscrupulous: Behaving in a way that is dishonest or unfair in order to get what you want.

I believe if you are aware of the history of the Children's Pool and the part the City of San Diego has played you will agree with me that the city has been unscrupulous in its dealings all along.

I have been swimming in the waters off of La Jolla since the 1980's. It was because I found the waters around the Children's Pool (CP) to be the most beautiful and unique that I became involved with the individuals who sought to keep the CP open. Neither the La Jolla Shores nor the La Jolla Cove can match the underwater geography or marine life that exists in such accessible depths perfect for snorkeling or SCUBA. The seawall and protected beach allows for easy and safe access for individuals who are novices no matter their chosen mode of access to the ocean. This beach is a unique asset to the people of California. It provides safety in the ocean not found anywhere else in the area.

Over those years I found myself in danger of violating the law when the Seal Rock was turned into a reserve. During those years the numbers of seals increased and spilled over to the CP as never before. After the Seal Rock preserve expired those of us who enjoyed swimming in the area became open to threats and physical assaults as well as violating the law. Two of us became the target of civil law suits by those the city worked with behind the scenes to close the Children's Pool. Their bad behavior was rewarded with a beach closure permit.

Tens of thousands of dollars spent to keep the right to continue swimming in the area and ten years later I am still swimming but the CP is closed for five months every year. The beach is too often an offense to the nose and eyes. Seals are not as fastidious as cats and do not cover their loose stools but rather leave long stinking black trails of feces all around the beach. City politicians guiding beach use policy have created this situation but have not taken responsibility for the aftermath caused by their actions.

Children's Pool once was the jewel of La Jolla is now an abandoned and walled off wreck of a beach. The ramp access that once was used by families to easily roll strollers down cannot even be used by able bodied individuals due to the concrete abutment and the ruts in the ramp paving due to neglect. This very ramp was at one time the best beach access in all of La Jolla for small children, the elderly and handicapped who were unable to handle the stairs. The City has not made much of an effort to improve access for the disabled as called for in the permit conditions imposed by the CCC in 2014.

I should not have to list the items that the CCC requested that the city fulfill for this upcoming permit renewal. The city has acted in its typical unscrupulous manner in preparing for the upcoming renewal. It has the money and the lawyers and sees that as being all it needs to intimidate and wear down any who dare oppose it.

I pray that you of the CCC do not give in to the city's tactics.

Sincerely,

David Johnson
San Diego, CA