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November 19, 2007

Supreme Court of the State of California
350 McAllister Street
San Francisco, CA 94102

RE: *O'Sullivan v. City of San Diego*
Supreme Court S157299
Amicus Letter in Support of Petition of Review

Honorable Supreme Court:

Coast Law Group represents the San Diego Chapter of the League of Conservation Voters in this matter. The League of Conservation Voters - San Diego submits this amicus curiae letter, pursuant California Rules of Court, Rule 8.500(g), urging the Supreme Court to accept *O'Sullivan v. City of San Diego* for review.

A. Summary of Grounds for Review

The League of Conservation Voters is strongly in favor of protecting the seals in La Jolla at what has been dubbed the "Children's Pool." The beach at the Children's Pool is one of the few places in Southern California available for viewing and studying harbor seal behavior and pup rearing. Because of its convenient location, an estimated 70,000 to 80,000 people a month enjoy watching the seals in an up-close, but non-interactive manner. The Children's Pool also provides a unique educational opportunity to thousands of school children who take organized school sanctioned field trips to the Children's Pool specifically to view the seals. A "Children's Pool" with harbor seals provides a much larger benefit to children, than a children's pool bereft of nature.

However, this case has greater implications than whether children will be able to continue to enjoy seals at the Children's Pool. A larger public policy question must be resolved regarding the discretion of local governments to manage trust lands. The land grant in question specified multiple uses. A local government must have the flexibility to interpret and adhere to all specified uses in a land grant, especially if certain uses are no longer viable, or legal under federal, state and local environmental protection laws.

Finally, it should be noted that a large interest group has been shut out of the courts on this very important public policy decision. Environmental groups have sought to intervene at every level of litigation. But, the trial court refused to permit San Diego Coastkeeper to intervene and the Court of Appeals refused to accept amicus briefs from numerous environmental groups. The courts have solely heard from a Plaintiff/Petitioner who is strongly motivated to remove the seals from the Children's Pool, and a municipality which is, at best, ambivalent towards the seals. It is in the

interest of justice for the Supreme Court to hear from and consider the perspective of groups seeking to protect the seals. The League of Conservation Voters, San Diego Chapter, urges the Supreme Court to accept this case for review.

B. The Interest of League of Conservation Voters in this Case

The League of Conservation Voters is a 501(c)(4) non-profit organization. To secure the environmental future of our planet, LCV's mission is to advocate for sound environmental policies and to elect pro-environmental candidates who will adopt and implement such policies.

Plaintiff/Petitioner O'Sullivan is seeking to force a municipal government trustee to act in a manner that harms natural resources. Plaintiff's argument could jeopardize countless similar grants and transfers of public property, and could have a disastrous effect on wildlife. The court's do not have the power to force local governments to act in a manner that violates Federal, State and Local environmental laws. The League of Conservation Voters mission to protect the environment through electing candidates with strong environmental ethics, and passing strong environmental legislation will be jeopardized if the Government does not have the discretion to interpret a land grant in a manner consistent with environmental laws and policies. The Supreme Court must resolve this question.

Sincerely,

Todd T. Cardiff, Esq. (SBN 221851)
League of Conservation Voters
San Diego Chapter