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5 Attorneys for Defendants
CITY OF SAN DIEGO; RICHARD MURPHY, In his official capacity as Mayor of San Diego;
6 and COUNCILMEMBERS SCOTT PETERS, MICHAEL ZUCCHET, TONI ATKINS, TONY
YOUNG, BRIAN MAIENSCHIN, DONNA FRYE, JIM MADAFFER, AND RALPH
7 INZUNZA in their official capacity as members of the City Council of San Diego

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN DIEGO, CENTRAL DIVISION

10 THE HUMANE SOCIETY OF THE UNITED)	Case No. GIC 843343
STATES, JAMES HENRY NATT HUDNALL)	
11 JR., REBECCA CARY, FLORENCE)	DECLARATION OF DOYLE A.
LAMBERT, and ANGELA ANDRE,)	HANAN, PH.D. IN OPPOSITION TO
)	PLAINTIFFS' MOTION FOR A
12 Plaintiffs,)	TEMPORARY RESTRAINING
)	ORDER
13 v.)	
)	
14 CITY OF SAN DIEGO; RICHARD MURPHY,)	
In his official capacity as Mayor of San Diego;)	Date: May 4, 2005
15 and COUNCILMEMBERS SCOTT PETERS,)	Time: 10:00 a.m.
16 MICHAEL ZUCCHET, TONI ATKINS, TONY)	Dept.: 71
YOUNG, BRIAN MAIENSCHIN, DONNA)	I/C Judge: Hon. Ronald S. Prager
17 FRYE, JIM MADAFFER, and RALPH)	Cmplt. Filed: 2/25/05
18 INZUNZA, in their official capacity as Members)	Trial: Not Set
of the City Council of San Diego,)	
)	
19 Defendants.)	
)	

20
21 I, Doyle A. Hanan, Ph.D., declare that I am competent to testify about the following facts,
22 of which I have personal knowledge:

23 1. I have over 35 years of experience as a research biologist, project leader,
24 supervisor, and educator, specializing in marine mammals and harbor seals. Currently, I am self-
25 employed as a private consultant and Chief Scientist for Hanan & Associates, Inc. Prior to this
26 position, I worked for the California Department of Fish and Game from 1974 to 2000. In 1984, I
27 became the California Department of Fish and Game Associate Marine Biologist in charge of
28 marine mammals, and in 1993 I became the Senior Marine Biologist, Supervisor. As Senior

1 Marine Biologist, I was responsible for research and management of sport and commercial
2 fisheries and marine mammals.

3 2. I earned my Masters Degree in Marine Biology in 1976 from California State
4 University Long Beach and earned my Doctorate Degree in Biology in 1996 from the University
5 of California, Los Angeles.

6 3. I am a member of the Pacific Scientific Review Group, which advises the
7 National Marine Fisheries Service (NMFS) on marine mammals in the Pacific Ocean. In this
8 capacity, I review and make recommendations on NMFS' research and stock assessments on
9 marine mammals in the Pacific Ocean and make recommendations as to any needed
10 modifications to its reports. Additionally, I reviewed and contributed to the 1994 amendments to
11 the Marine Mammal Protection Act. I am also a member of the Society for Marine Mammology.
12 I have testified before Congress on issues related to marine mammals. I served on the task force
13 to evaluate the scientific information on the impacts of California sea lions and harbor seals on
14 salmonids and on the coastal ecosystems of Washington, Oregon, and California.

15 4. I have personally observed and studied harbor seals and other pinnipeds along the
16 West Coast of the United States since 1979. Included in this work, I completed fifteen years of
17 aerial survey of harbor seals along the West Coast. I have researched and drafted numerous
18 reports on the behavior of harbor seals, and have first-hand expertise in the behavior patterns of
19 harbor seals. My dissertation was entitled, "Dynamics of abundance and distribution in the
20 Pacific harbor seal, *Phoca vitulina richardsi*, on the coast of California," which included tagging
21 harbor seals and observing their behavior from 1982-1995.

22 5. From October 2003 to March 2004, I worked under contract for the City of San
23 Diego observing and recording harbor seal behavior and hauling patterns at the La Jolla
24 Children's Pool (also known as Casa Beach) as a part of the City of San Diego's preparation to
25 apply for an Incidental Harassment Permit from NMFS for construction to the lifeguard tower.

26 6. I maintain a neutral position on the presence of harbor seals at the Children's
27 Pool. The purpose of this declaration is to provide information regarding harbor seals at
28 Children's Pool that is within my professional and personal expertise.

1 7. A copy of my curriculum vitae is attached as Exhibit 1.

2 8. I have personally visited Children's Pool both before and after the advisory rope
3 was removed.

4 9. Since the 1920's, the population of harbor seals on the West Coast and Southern
5 California has steadily increased. Harbor seals are currently near their Optimum Sustainable
6 Population level (OSP) in California and are approaching carrying capacity. They are one of the
7 most commonly seen marine mammals along the West Coast of North America. In California,
8 there are at least 1000 hauling sites. My most recent research has shown that the number of
9 harbor seals in California has likely been under-estimated. Harbor seals have been documented
10 to be present at Children's Pool since at least 1979.

11 10. Harbor seals in California are not endangered or threatened under the Endangered
12 Species Act, nor a strategic population under the Marine Mammal Protection Act (MMPA).

13 11. Based upon my personal observation of numerous seal colonies along the West
14 Coast, I have observed that the harbor seals located at Children's Pool are unusually tolerant to
15 human contact. Generally, harbor seals are skittish and have the tendency to react or flush into
16 the water at the slightest movement or sound. In my personal observations of the harbor seals at
17 Children's Pool, I observed that the harbor seals there did not react to human behavior that
18 normally would disturb harbor seals (such as laughing, clapping, stomping, climbing, snorkeling,
19 swimming, and wading).

20 12. At Children's Pool, harbor seal pupping season is approximately from January
21 through April, with some births possibly occurring in December and May. The pupping season
22 likely peaks in February or March. When a pup is born on land, the birthing female usually
23 encourages the pup into the water within an hour of its birth.

24 13. It is normal for there to be some premature harbor seal pup births and pup
25 abandonment. There are many possible reasons for these occurrences. For example, a female
26 may reject a pup if something is biologically wrong with the pup. Based upon my experience
27 tagging seals, during pupping season, it is my professional opinion that interaction with humans
28 is not likely to be a significant cause of seal pup abandonment.

1 14. As the population of harbor seals increases towards carrying capacity, it would be
2 expected that the harbor seal and pup mortality rate would increase. It would also be expected
3 that the number of pup abandonments would increase.

4 15. There are many rookery sites (where harbor seal pups are born) other than
5 Children’s Pool in Southern California, and all along the West Coast. If the harbor seals were to
6 abandon the Children’s Pool site, they would likely move to another site and continue to survive
7 and give birth to pups.

8 16. In my professional opinion, the continued use of Children’s Pool by harbor seals
9 is not critical for the survival of the harbor seals present at Children’s Pool or the harbor seal
10 population as a whole.

11 17. In my professional opinion, the presence of the advisory rope is not critical to the
12 survival of the harbor seals present at Children’s Pool or the harbor seal population as a whole.

13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct to my own personal knowledge.

15 Executed this 18th day of May, 2005, at San Diego, California.

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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.