

# Drawing battle lines in the sand over seals

*Councilman renews calls to take back La Jolla beach*

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In a renewed battle of humans vs. seals at the Children's Pool, the pinnipeds may win again.

Some frustrated La Jollans – under the championship of San Diego City Council member Scott Peters – will try again to reclaim the seal-occupied beach for swimming.

But they face obstacles tougher to surmount than the ones they want to install to keep the mammals offshore.

Federal authorities say any device – such as acoustic deterrents or a net cordoning off the beach area – would violate the Marine Mammal Protection Act.

So would relocating the seals.

In short, any intentional harassment that changes the seals' behavior, such as causing them to raise their heads, is against the law, said Joseph Cordaro, a wildlife biologist with the National Marine Fisheries Service.

"There is no way right now to change it back to public use unless the seals are attracted away from the beach," Cordaro said.

But that has not deterred Peters, who recently promised to find a way to keep a campaign pledge he made two years ago to clean up the Children's Pool and make it fit for swimming again.

A La Jolla Town Council committee will discuss the issue today. And Peters plans to raise it in early April, when the City Council is scheduled to consider the separate issue of adopting conditions set by the California Coastal Commission to maintain the seal reserve. The reserve is established around the Seal Rock next to the Children's Pool.

The Children's Pool beach and Seal Rock are home to about 200

seals, which rest and breed there, said Pam Yochem, senior research biologist at Hubbs-SeaWorld Research Institute, a nonprofit organization.

The Children's Pool has been closed since 1997 because of constant fecal contamination by the seals.

Although current testing is sporadic because the seals cannot be disturbed, measurements taken last year indicated that pollution in the waters there still exceeds state health standards, said Jack Miller, chief of land and water quality for the county Department of Environmental Health.

The contaminants could cause eye, ear, nose, throat and stomach illnesses.

Peters said creativity and persistence are needed to resolve the problem.

"People are looking for a way to share the beach, if possible," he said. "We will not move the seals if we don't have to. **But I will do whatever I have to do to let the people use the beach again. There is plenty of ocean space for the seals.**

**"It's not an easy thing to do, but it's the right thing to do."**

Peters said the Children's Pool was deeded to the city in 1931 by the state in a tidelands grant for use as a bathing pool for children, or a public park.

Later, Ellen Browning Scripps donated money to build a breakwater off the beach to create calm waters, he said.

**"Unfortunately, over the past decade, Mrs. Scripps' generous gift has been snatched away from the children of La Jolla and replaced by an invasion of seals whose excrement has fouled the water,"** Peters wrote in a recent opinion column in the La Jolla Light, a weekly newspaper.

Robin Stribley, a senior planner for the city, said experts have suggested dredging the beach or opening the sluiceways in the breakwater to promote water circulation.

**Old controversy**

Peters acknowledges he is inflaming an old controversy that could once again polarize the community.

On one side are residents and divers who say they don't want to harm the seals but feel use of the pool should belong to humans.

On the other are seal lovers who feel the mammals should be allowed to use the beach.

David Donahue, the immediate past president of the San Diego Council of Divers, which represents recreational divers, said divers are "strongly in favor" of cleaning up the Children's Pool.

He laments the loss of a safe and easy access and exit point for divers to a favorite dive spot, which offers views of Southern California reef life – abalone, lobsters, slugs and eels – less than 50 yards from shore.

Carl Lind, a longtime La Jolla activist, suggested waiting for the seals to leave the beach to feed and taking action to keep them from returning, such as patrolling the beach with a dog to scare off the mammals.

**However, Jane Bradford, president of La Jolla Friends of the Seals, an educational organization, decries any disturbance as a selfish move.**

**"We are very disturbed and very upset," Bradford said. "We have visitors who come from over the world – Russia, Turkey, Israel, almost every country in Europe and Asia – coming to see the seals."**

City Council member Donna Frye, an environmentalist, said she does not preclude the co-existence of humans and seals, but said she has not seen a solution that would be allowable under federal law.

### **Earlier warning**

Cordaro, with the National Marine Fisheries Service, said his agency warned the city when the seals began coming ashore years ago not to let them establish residence on the beach.

Although some city officials wanted to discourage the seals from using the beach, many La Jollans wanted the mammals to stay, and

now the seals have taken over the sands.

The controversy began in 1993 when the city was preparing to propose the establishment of a seal reserve around Seal Rock, Stribley said. The debate has continued since then.

A five-year trial seal reserve was created in 1994 and approved by the California Coastal Commission to prevent harassment of the mammals.

When the trial period ended in 1999, the reserve continued because City Council and Coastal Commission actions were pending.

In 2001, the City Council passed an ordinance to make the reserve permanent. The Coastal Commission granted a temporary five-year permit instead and reduced the reserve's area from 1.35 acres to about 1 acre to allow the public more open water.

The commission also wanted to review educational and warning signs posted around the reserve.

The La Jolla Town Council's Parks and Beaches Committee will discuss the issue at 4 p.m. today at the La Jolla Recreation Center, 615 Prospect St.