

A case of pollution: seal in or seal off the Children's Pool?

By PAUL KENNERSON

Pick up your daily paper. Turn to the weather page. To the left of the weather map is a small column headed "Polluted Waters." Most days, from all over the county, there is a single entry in that column: "Children's Pool in La Jolla."



facets

Seals are in residence at the Children's Pool. On any given day, at any random time, their number averages 40 to 60. The County Health Department tests the extent of pollution regularly and on each occasion notes the number of seals present. The pollution is seal feces. DNA testing by the City has confirmed this is so. The fecal coliform count is unacceptable, dangerously high. The beach does not smell good. It is illegal to swim there. Metal signs on concrete walls warning of the pollution testify to the permanence of the ban.

A reserve has been established in the area of Seal Rock for seal habitation. Posted on the stairway at the Children's Pool is a schematic drawing, reproduced at right, of the seal reserve dedicated by the City to augment the protection accorded seals by the federal Marine Mammal Protection Act of 1972. The western

boundary of the reserve falls east, or to the right of, the concave swimming area (bounded on the far west by the seawall) of the Children's Pool. No one I have heard opposes the presence of seals in that area. Anyone on the street or at the beach can continue to watch seals if they were to be confined to that reserve. But the western boundary of the reserve is only a line in the water, not any kind of physical demarcation, and the seals, with an obvious yen for the beach at the Children's Pool, innocently but resolutely ignore that Maginot line.

Because the waters at the Children's Pool are protected from the open sea by the seawall, the waters at the Pool are relatively still. It is in those stilled waters that seal-born fecal pollution flourishes. The City has taken a crack at the problem.

(Regrettably the Town Council was not asked its opinion, an event being remedied as we speak; but that is grist for a different mill, another day.) The Natural Resources and Culture Committee, chaired by District 1 Councilmember Harry Mathis, has voted to dredge the Children's Pool of excess silt, return the water to its historic fall-off and, in the process, free up four openings, or sluiceways, in the seawall through which fresh entering water may now help to wash away the fecal pollution. (Not incidentally, care should be taken to prevent anyone, or any species, from being sucked out to open seas through the sluiceways, as apparently happened once long ago.) The great bulk of evidence suggests that the dredging is a good and indicated first step. With heavy dredging equipment in evidence, I suppose the

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thought may be that the peace will be disturbed and the seals will seek refuge on Seal Rock, perhaps never to return. But I have not seen the case made, though it may be possible, that dredging alone will permanently relocate the seals or prevent future disabling pollution. Only time will tell.

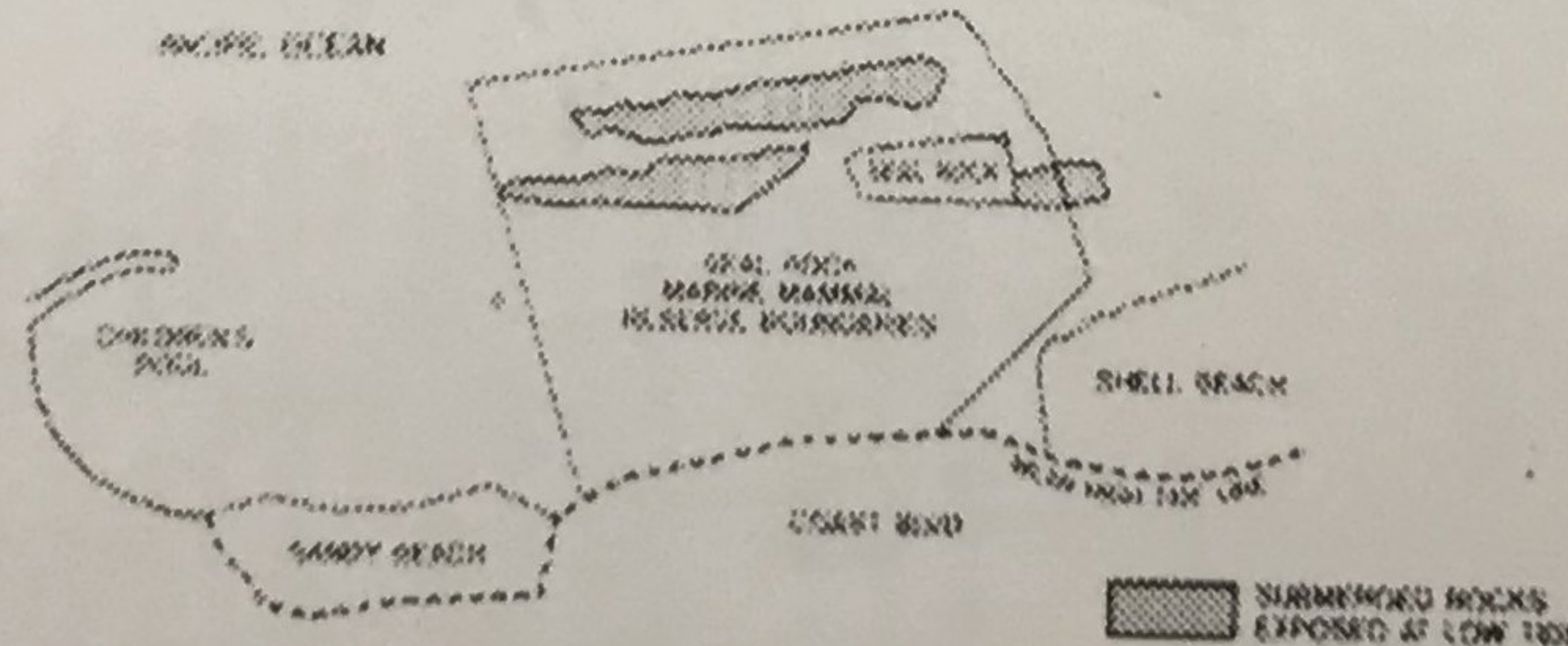
There is much public concern that the remedy for pollution may involve some mechanism, albeit an unharmed one, for relocating the seals. There is a school of thought that comes down on the side of leaving the Children's Pool to the seals; there is a large school of thought that, all things taken together, comes down on restoring the Children's Pool to the people. I take no side on that issue. This is not, or need not be, a pro-seal versus anti-seal face-off. The issue is pollution of the water, and the object is to stop it. If we can do that without disturbing a single seal, we should do so. If we can stop the pollution by relocating all of them, in my view we should do that. If we can cure the pollution by dispersing some and keeping others, we should do that as well. It cannot be fairly said that one is

against dogs by the simple expectation that their owner will clean up after them on property owned or shared by others.

Even with the City's proposed remedy, one is confronted with the question that if the pollution can only be eliminated by deterring even one seal from the beach, how is that done. No one seems to know, and surely we should be looking everywhere we can. This is home to the most famous zoo in the world, to a Wild Animal Park, to Sea World, to a world-famed aquarium, to the Scripps Institution of Oceanography, the Oceans Foundation, to fisheries and fishermen, to divers, to the U.S. Navy assembled, including the U.S. Navy SEALS. Our own small town is neighbor to a world-class university where the most pressing issues of our age are the daily scrutiny of some of the most engaged and ingenious minds anywhere on earth. Is it too much to hope that from this great wealth of talent there may be someone who can find a benign and decent way, unoffending of the most finely tuned sensibilities, to keep a seal off a beach?

Paul Kennerson, former president of the La Jolla Town Council, is currently chair of the council's Parks and Beaches Committee. With three colleagues he recently opened the law firm of Kennerson Schwartz Semerdjian & Haile LLP. He also serves as a Judge Pro Tem in the San Diego Superior Court.

SEAL ROCK MARINE MAMMAL RESERVE ENJOY FROM A DISTANCE



LAWS PROTECT THESE SEALS. SEALS AND OTHER MARINE MAMMALS ARE PROTECTED BY CITY (MUNI CODE 63.1001 AND 63.0102(10)) AND STATE REGULATIONS AND THE 1972 FEDERAL MARINE MAMMAL PROTECTION ACT. FISHING IS PERMITTED WITH VALID LICENSE. IF YOU HARASS THESE ANIMALS, YOU COULD BE CITED WITH A FINE UP TO \$10,000. HARASSMENT IS ANY ACTION THAT CAUSES SEALS TO CHANGE THEIR NORMAL BEHAVIOR. IF DISTURBED REPEATEDLY, THESE SEALS MAY ABANDON THIS ROCK - THEIR HOME - FOREVER.

A schematic map posted at Children's Pool shows the area augmenting seal protection around the Marine Mammal Reserve at Seal Rock.

Village News/Paul Hansen