

Beach dredging approved

By the La Jolla Light Staff

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San Diego City Council sided with people over pinnipeds voting 5-3 in favor of a controversial proposal to remove 3,000 cubic yards of sand at Children's Pool in an attempt to achieve shared use between humans and seals.

Councilmembers Donna Frye, Toni Atkins and Michael Zucchet opposed a motion by First District's Scott Peters to launch the dredging project. Siding with Peters were Mayor Dick Murphy and councilmembers Jim Madaffer, Ralph Inzunza and Brian Mainschein.

The late councilman Charles Lewis, whose seat is presently vacant, had previously voted in favor of maintaining the status quo at Children's Pool.

Peters' motion was to approve the city manager's recommendation, including removing rope barriers at Children's Pool separating seals from humans, as well as moving signage now on the beach over to the lifeguard tower.

"I also want to ask that opening the sluiceways in the breakwater at Children's Pool be evaluated as an alternative method to achieve sand removal and tidal flushing," said Peters. "The signs are to be placed on the lifeguard tower saying public access is permitted, but that seal harassment is a violation, and warning that bacterial levels are high subject to testing of the area."

Peters also moved that an account be created to begin collecting funds for the dredging project, most of which he said would come from private donations.

Removing 3,000 cubic yards of sand at Children's Pool would initially cost \$250,000 to \$500,000, with an annual estimated testing fee of \$3,000. It has also been proposed that a full-time ranger be hired at an annual salary of \$75,000 to police the area.

Children's Pool beach is an artificial cove protected by a concrete breakwater. The sea wall was built in 1931 with \$60,000 donated by La Jolla matriarch Ellen Browning Scripps to provide a sheltered swimming area for children.

Sometime in the early 1990s, harbor seals began to haul out on the beach to rest and nurse their young. The seal colony has since become a tourist attraction that is monitored informally by La Jolla Friends of the Seals, a volunteer group running a docent program.

The pool was closed to the public in September 1997 because of high bacteria counts from accumulated seal waste. In 2001, county Environmental Health reversed its position - in response to changes in state policies, not changes in water quality counts - and removed the bathing prohibition, replacing it with an advisory to swimmers to enter the water at their own risk.

Seal numbers at Children's Pool have been estimated at between 160 and 200 during peak times.

There was discussion of the shared-use plan for Children's Pool being a seasonal one, with humans being allowed beach access from July 1 to Jan. 1, when seals on the beach are fewer, and seals holding sway from Jan. 1 to July 1 during their pupping season.

Early in the discussion, the council meeting took on a courtroom character as Peters queried Jim Lecky, assistant regional administrator for the National Marine Fisheries Service, as to what actually is and is not allowed under the Marine Mammal Protection Act. That's the federal law protecting harbor seals and other marine mammals from harassment.

"Harbor seals are not an endangered or threatened species, is that correct?" asked Peters.

"Correct," Lecky replied.

"Are there other haul-out sites along the California coast for these seals?" asked Peters.

"There are lots of other sites," replied Lecky.

Peters next asked Lecky, "What constitutes harassment?"

"That's been challenging to define," Lecky said, adding his interpretation was doing something that caused a substantial change in the animal's behavior, such as chasing them or bringing a dog onto the beach.

"Noise and lights, something like that which would cause them to lift their heads up, would that be harassment?" Peters asked.

"We have never prosecuted anyone for that," responded Lecky.

"Has Children's Pool been designated a rookery?" Peters asked.

Lecky's reply was that there is no current language in the Marine Mammal Protection Act to allow for official designation of any beach habitat as a seal rookery. He added the federal agency also views situations like the one at Children's Pool as matters under the jurisdiction of local governments.

Familiar faces both for and against the dredging proposal gave impassioned testimony to the council. Environmental activist Bruce Reznik, executive director of San Diego Baykeeper, charged that the seal debate was missing "honest dialogue," and was fraught with misinformation and plenty of red herrings.

"The issue here is not really about children or pollution or joint use or beach access or about Ellen Browning Scripps," Reznik said. "Children love the seals. Children's Pool is a big classroom. What dredging is really about is getting rid of tourists who come to see the seals."

Reznik quoted instances of shared-use proponents referring to Children's Pool seals as a "poor man's Sea World."

"The City Council has the power to have seals removed," Reznik said.

Seal advocate Jim Hudnall reiterated his contention that dredging Children's Pool is "a thinly veiled plot to destroy the seal rookery in La Jolla."

Shared-use proponent Debbie Beacham gave a video presentation, noting the seal issue has divided the community.

"The use of rope barriers and signs has made it very confusing as to what is allowed or what is not allowed," Beacham said. "The City Council can make this a win-win for seals and humans."

Peters said all required environmental evaluations would be performed during the permitting process.

"You won't see work beginning on this project tomorrow," Peters said.

In opposing Peters' motion, Councilwoman Frye said she was surprised by such outrage expressed by residents who have to "share this very tiny bit of beach."