

# No longer seals-only at beach

*Council votes to remove barrier at Children's Pool in La Jolla*

**By Terry Rodgers**  
STAFF WRITER

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A harbor seal colony that has taken over a popular La Jolla beach will now be forced to share the seawall-protected cove with more swimmers, sunbathers and scuba divers.

In a 5-3 vote, the San Diego City Council yesterday ordered immediate removal of a rope barrier that over the past five years has provided a buffer between humans and seals.

The council also agreed to proceed with a plan to dredge about half the beach to reduce the seals' resting area and, in theory, improve water quality by increasing tidal flushing.

The council's action came at the behest of 1st District Councilman Scott Peters, who argued that a new "shared use" policy is warranted because the crescent-shaped cove was created in 1931 specifically to accommodate children and families.

"We need to restore the balance between people and seals so that people can enjoy the beach as it was intended," said Peters, who brought the issue forward to fulfill a promise made during his 2000 election campaign.

Peters' motion, which was supported by Mayor Dick Murphy and council members Ralph Inzunza, Brian Maienschein and Jim Madaffer, also asks city staffers to investigate the possibility of improving water quality by re-opening several vents in the concrete seawall.

Before dredging can proceed, the city must complete an environmental study, obtain federal permits and win approval from the California Coastal Commission. Those hurdles are expected to take at least a year.

Local governments are allowed to temporarily annoy seals or sea lions and even force them out of a beach or harbor as long as the intent is to fix a public health or safety problem, said Jim Lecky of the National Oceanic and Atmospheric Administration. The agency oversees enforcement of the Marine Mammal Protection Act, which prohibits killing or harassment of marine mammals regardless of whether they are endangered.

"The bottom line is we view this as a local government issue," Lecky said.

The council's decision yesterday reverses a 1999 ruling that ordered the parks department to erect the rope barrier "to protect the humans from the seals and the seals from the humans."

Children's Pool beach was closed to humans in 1997 because of high bacteria levels from the seals' excrement.

But last year, county health officials relaxed the closure in favor of a bacteria advisory that allows the public to enter the water at its own risk.

Nearly 200 harbor seals and sea lions inhabit the cove, but their numbers drop during the summer.

In March 2003, nine swimmers were cited by federal wildlife agents for violating the Marine Mammal Protection Act after they swam into the cove, forcing the seals, including some nursing their young, to stampede into the water.

This summer, some La Jolla residents showed up with hand-made signs declaring "beach open" and planted umbrellas in the area previously claimed by the seals. Numerous arguments have erupted on the beach between seal advocates and those who favor more beach access.

Jim Hudnall of the La Jolla Friends of the Seals said the council's action will foster even more chaos and confrontations at the cove.

"There will be an immediate increase in harassment of seals because of the removal of the guideline rope," said Hudnall. "There will be instant confusion down there."

Councilwoman Donna Frye, who voted against the dredging plan along with council members Michael Zucchet and Toni Atkins, said she wasn't convinced that the plan will clean up the water.

She argued that allowing the seals to use the cove as a birthing rookery is a small concession. "It's unfortunate that we have to have all the habitat for human use," she said.

A staff report estimates the dredging could cost about \$250,000 to \$500,000, an amount Peters said could be financed mostly from donations.