

Humane Society to Sue for Seal Barrier

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by Terry Rodgers, U-T San Diego Staff Writer

The Humane Society of the United States yesterday announced it will sue the city of San Diego and the National Marine Fisheries Service unless officials put a rope barrier back up to protect La Jolla's famous harbor seal colony.

Wayne Pacelle, Humane Society president and chief executive officer, said the city and federal government's failure to safeguard the seals from human intruders is improper and violates state and federal laws, including the Marine Mammal Protection Act.

"When we see the law being violated like this, we do not sit on the sidelines," Pacelle said at a news conference at Children's Pool beach, where about 140 seals were resting.

Pacelle's announcement came after a keynote speech he delivered yesterday at the annual meeting of the Friends of County Animal Shelters.

With 8 million members, the Washington D.C.-based Humane Society is the nation's largest animal welfare organization.

Pacelle said the plight of the seal rookery is "one of the most significant marine mammal issues on the West Coast." The rookery is the only mainland site south of Carpinteria where the species come ashore to give birth. The birthing season runs from January to July.

Although the Humane Society is willing to negotiate with the city to reach a solution, "we intend to see this through until the seals are provided protection from harassers," he said. "This doesn't require a complex or costly solution."

San Diego City Councilman Scott Peters, whose district includes La Jolla, yesterday said the city is working with federal officials to provide the seals protection during the pupping season.

Beginning in 1999, parks crews at the direction of the City Council created a buffer zone with a rope barrier and numerous signs to prevent sightseers and other beachgoers from spooking the skittish seals.

The seal haven was unpopular with those who complained that the mammals' droppings were polluting the beach and usurping the public's traditional access to the beach.

In response, the City Council last fall ordered the barrier removed and enacted a "shared-use" policy intended to encourage people to resume using the cove for sunbathing, swimming and diving.

Seal advocates contend humans have repeatedly harassed the wild seals, and the animals are showing signs of stress from having to constantly flee into the ocean. "There are plenty of other beaches that people can use," Pacelle said. "The seals just need a tiny little area in order to be protected. We don't understand the city's stubbornness and the disregard for federal law."

Pacelle said the Humane Society will go to court to prevent the city from following through on plans to excavate sand from Children's Pool to increase tidal flushing and narrow the area used by the seals to rest.

Two lawsuits related to the seals are pending against the city. One was filed by a local swimmer who contends the city must keep the seals away because the beach was given in trust specifically for children. Another legal challenge by animal-rights advocates alleges the city is violating an ordinance prohibiting the mistreatment of animals.

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