



SECTIONS
INSIDE

B • Local

C • Business

D • Sports

E • Health

U-T San Diego



TUESDAY • DECEMBER 16, 2014

THE WORLD'S GREATEST COUNTRY & AMERICA'S FINEST CITY

COMING TOMORROW

Family shares tradition of making holiday t

CHILDREN'S POOL OFF-LIMITS

Beach closed to the public through May 15 to protect seals during pupping season

**DEBORAH SULLIVAN
BRENNAN • U-T**

In the most sweeping move yet to safeguard a seal rookery in La Jolla, San Diego officials on Monday blocked off access to Children's Pool beach for the next five months.

Their action isn't expected to end the years-long courtroom battle over whether humans or seals should have greater priority at the site — a controversy that has gained national at-

tention. A group seeking to restore public access at the beach has filed another lawsuit, alleging that the closure violates state law and the California Constitution.

The closure, which covers the seal pupping season, is scheduled to occur each Dec. 15 through May 15 for the next five years.

Early Monday morning, city staff installed a chain-link barrier blocking the entrance to stairs that

SEE BEACH • A7



Children's Pool will remain off-limits to the public through May 15, the end of the seals' pupping season. PEGGY PEATTIE • U-T

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BEACH

FROM A1

take people down to the sandy beach and posted a sign announcing the policy. Visitors are still able to walk along the adjacent seawall, but cannot enter the beach itself.

"Today is a significant day," said Ken Hunrichs, president of Friends of the Children's Pool, a group that advocates for shared use of the beach. "They've made public land off-limits to the public."

Adrian Kwiatkowski, who had lobbied San Diego's leaders and state regulators for more seal protection at Children's Pool, welcomed the barrier and sign. Children's Pool has the only mainland rookery south of Ventura, making it an important site for harbor seals in Southern California, he said.

"We are very excited about today being the first day of the beach closure," said Kwiatkowski, executive director for the Seal Conservancy of San Diego. "We think it's a valid compromise for the seals."

The City Council had voted in February for the closure ordinance and the state Coastal Commission approved it in August, noting that previous attempts to share access at the beach between humans and the seals hadn't stopped harass-



Corey Stewart helps his son, Emmett Stewart, 3, look over the seawall to see the seals at Children's Pool beach in La Jolla as Nia Stewart carries their daughter, Sora Stewart, 1. Beach access was roped off by the city on Monday and will reopen in May. PEGGY PEATTIE • U-T

one of the region's few safe entry points for divers and other visitors. And they believe the closure at this beach will set a precedent for other coastal sites where seals gather.

Opponents of the closure haven't resigned themselves to the new restrictions.

Friends of the Children's Pool, a group advocating access for swimmers and other users of that beach,

of the year, and allowing access to the breakwater for the whole year, while protecting the seals during pupping season," he said.

Although the closure poses some limits on public use, he said, "the constitution and the Coastal Act do allow reasonable protection because of the natural resources of the site."

The closure ordinance may be controversial in San Diego, but it's not groundbreaking in the state. Of 17 seal rookeries in mainland California, Children's Pool is one of two that had lacked such a closure, Kwiatkowski said.

Children's Pool, where a seawall was built in 1931 to provide safe ocean access

for youngsters, has been the subject of seemingly never-ending debate since seals began congregating there.

Over the years, the dispute has played out in state and federal courts, in a string of City Council votes and in the Legislature. The dispute has also generated media headlines across the country, along with jokes

on late-night TV show the beach itself, there have been numerous rallies and skirmishes between the opposing sides.

Each contingent has promoted its cause on web through mass emails via on-site representatives who distribute pamphlets, hold signs and other try to engage visitors.

The City Council has voted in February for the closure ordinance and the state Coastal Commission approved it in August, noting that previous attempts to share access at the beach between humans and the seals hadn't stopped harassment of the animals. During pupping season, frightened mother seals can give birth prematurely or abandon their pups.

The earlier measures included ticketing offenders, closing the site at night, installing security cameras, having police officers patrol the area more often and installing a thin demarcation rope between the rookery and the rest of the beach.

Harassment of seals is banned under the federal Marine Mammal Protection Act, which Congress passed in 1972 to safeguard various species, including harbor seals. Violators could face misdemeanor penalties of up to \$1,000 or six months in jail — or infraction fees of \$250 to \$500 — along with civil penalties, according to the San Diego Park and Recreation Department.

Rangers, lifeguards and police officers will patrol Children's Pool to enforce the closure, Herman Parker, the city's park and recreation director, said Monday.

Supporters of shared access at Children's Pool have described peaceful interactions between seals and people, saying the animals are acclimated to human contact. They also said the new rule would eliminate

for other coastal sites where seals gather.

Opponents of the closure haven't resigned themselves to the new restrictions.

Friends of the Children's Pool, a group advocating access for swimmers and other users of that beach, have sued the city and the Coastal Commission in San Diego Superior Court. They said the seasonal closure violates the California Coastal Act, which prohibits development that interferes with the public's right of access to the sea, and the state constitution's provision guaranteeing "access to the navigable waters" of California. They also said a land trust set up at the time the seawall was built requires the site to remain open for human use.

The group is waiting for a court hearing on its suit, which was filed in October, and may seek to have the case moved to a courthouse outside of San Diego County.

The current lawsuit is one of at least half a dozen filed during the past decade by seal advocates or people pushing for greater human use of the beach.

Christopher Pederson, deputy chief legal counsel for the commission, said the agency is confident that making the beach off-limits during the pupping months will serve the needs of the seals and the public.

"The commission found that reasonable closure of the beach was a reasonable balance allowing public access to the beach for most

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