

Cute, Stinky and Beached, Seals Cause a Squabble



The seals have occupied the beach since the mid-1990's.

Sandy Huffaker for The New York Times

By [RANDAL C. ARCHIBOLD](#)

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SAN DIEGO — The beachcombers lie belly down on the sand, enjoying the cool breeze and calm waters of a small beach in La Jolla, a rocky outcropping here flush with mansions and money. But these lollygags have not left in more than a decade. At least 100 and sometimes upward of 200 sprawl out like, well, beached whales, pretty much taking over the sand and water like those infamous beach bums of Tom Wolfe's "The Pump House Gang," which is set here.

It is generally agreed that the intruders, being harbor seals and all, are cute, and that they do not seem to be going anywhere. But their antics — including females giving birth right there on the sand — are driving some people crazy. And into court.

"It was kind of a family beach," said Valerie O'Sullivan, an avid swimmer who filed a lawsuit against the city in 2004 to restore the beach for human use. "This isn't the only place for the seals. There are plenty of seals up and down the coast."

Seals are not ideal beach companions for humans, with the partly eaten fish, the feces and the wild smell that accompanies them.

But still, tourists flock to a breakwater that allows observers a slightly elevated view just a few yards from the seals. "They're wild animals, they are not in a zoo and they are awful cute," said Suzanne Gault, a tourist from Tucson.

Ms. O'Sullivan won the first round of her lawsuit when a Superior Court judge ruled that the city had to dredge to allow more water and tidal flushing on the beach, a move that wildlife advocates said would disturb the seals and drive them away, probably for good.

The city has appealed the ruling, but a decision is not expected until next year.

The seals, meanwhile, continue to incite passion, with scuffles on the beach and a war of words that contrast with the animals' docile image.

In the latest twist, the Save-Our-Seals Coalition said it was determining whether and how it could put a ballot initiative before voters that would permanently designate the beach for seals only.

John Hartley, a [Sierra Club](#) member who is part of the coalition, said such a move was necessary because the city had not agreed to preserve the beach for the animals, and a small but active band of "anti-seal people" were constantly harassing them.

"Almost daily they find an excuse to run the seals off with the long-term goal to get them to abandon the site," Mr. Hartley said.

Nobody knows for sure why the harbor seals, mixed with a few sea lions and elephant seals, picked this beach to "haul out" in the mid-1990's. But historical accounts suggest that seals populated the area at least back to the turn of the 20th century, faded from the scene as their numbers dwindled because of hunting, and resurged in the past few decades after laws were passed to protect them.

The spot they picked is known as Children's Pool. In 1931, Ellen Browning Scripps, the newspaper heiress, donated \$60,000 for the breakwater, to keep rough waves at bay, and subsequently the state ceded the beach property to the city under the condition that it remain a public park and children's swimming area.

And that it was for much of the century, until the seals began showing up in great numbers. The city regularly closed the beach beginning about 1997 because of water contamination, blaming the seals.



People braved the stench to watch harbor seals on a La Jolla beach in San Diego.

The National Oceanic and Atmospheric Administration, which is charged with protecting sea creatures, put up signs warning that it is a federal offense to deliberately disturb the seals and last year installed a camera to keep watch from its main regional office in Long Beach.

But the beach is open to human use. In April, the city, on the suggestion of federal authorities, agreed to restore a rope line across part of the beach during pupping season, from January to May, to discourage human contact with the seals.

But seal advocates and swimmers regularly clash there.

A few years ago, nine swimmers, now known as the La Jolla 9, tried to swim ashore at the beach to prove humans and seals could readily share it. But the seals rushed into the water as the swimmers approached; one swimmer was accused of battering a seal in a panic, and all of them were cited for disturbing the seals.

Ms. O'Sullivan said she was drawn to La Jolla in 1982, in part to swim, and does not advocate harming the seals. "They are kind of cute," she said. But she thinks that their occupation of the beach keeps children and other swimmers away and that the city's failure to remove them conflicts with Ms. Scripps's wishes and the agreement with the state.

"People used to push children in their strollers to Children's Pool and hang out and talk," she said.

Now, the seals draw hordes of tourists, and seal advocates believe longtime residents of La Jolla are chafing at all the outsiders.

"I think there is probably a sentiment that humans tend to have, that people have rights and animals are somewhat lower," said Jane Bradford, president of La Jolla Friends of the Seals, "and they resent the idea animals might take over something."

One recent morning a visitor from Michigan, a seal-friendly swimmer, ended up handcuffed briefly by the police after a fisherman accused the swimmer of shoving him to keep him from fishing near the seals, which is permitted.

Tourists watched the commotion and then resumed gawking, particularly at one blubbery seal shimmying across the sand and rolling over, with perhaps not a care in the world.

"Look at that!" said Gina Montefusco, a visitor from Washington, D.C. "This is just unique. I'm not sure I have ever seen wildlife actually in the wild, and never this close."

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