

# Judge: Seals Must Leave La Jolla Children's Pool

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*by CBS-8.com*

A Superior Court judge today gave the city of San Diego two weeks to devise a plan to disperse harbor seals from the Children's Pool in La Jolla, saying he wasn't convinced a federal order prohibiting removal of the animals was still in effect.

Confirming a tentative ruling, San Diego County Superior Court Judge Yuri Hoffman said the law requires the removal and dispersal of the seals from the area. He scheduled a June 15 status conference to discuss ways of doing it.

Andrew Jones, assistant San Diego city attorney for civil litigation, told reporters the city will immediately ask a federal court judge to clarify whether a temporary restraining order remains in place to stop dispersal of the seals.

Jones unsuccessfully urged Hoffman to delay implementing the dispersal order because state legislators are close to approving a bill that would give the San Diego City Council the power to decide what happens to Children's Pool.

But Hoffman said the legislation was "fraught with uncertainty" and confirmed his ruling ordering the seals removed.

Jones said the seal removal project will cost the city \$600,000-\$700,000 that it does not have with a recession gripping the nation.

"This is not a time to send the city to Children's Pool to spend hundreds of thousands of dollars to disperse seals, when it doesn't have to be done right now," Jones said outside court.

Anti-seal attorney Paul Kennerson told the judge the seals could be removed at a much lower cost than the city estimated. But he said a proposal to broadcast the sound of barking dogs to get rid of the colony of seals wouldn't work.

"The time for enforcing the (state) judgment has come," Kennerson told the judge.

Children's Pool, also known as Casa Beach, is protected by a sea wall built through a gift by the late philanthropist Ellen Browning Scripps. The beach was given to

the city on the condition that it maintain it exclusively as a public park and swimming area.

A different Superior Court judge in 2005 ordered San Diego to restore Children's Pool to its "pre-seal" condition by dredging the beach to reduce the bacteria levels caused by seal excrement.

The judge also ordered the city to take down a rope that separates the seals from visitors during pupping season.

Source: <http://www.cbs8.com/global/story.asp?s=10431266>