

Judge sides with seals on the beach in La Jolla

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by Tony Perry, Los Angeles Times

A group that wants greater protection for the seals that lounge on the beach at the Children's Pool in La Jolla won a major round in court Friday.

Superior Court Judge Joel Pressman agreed with the Animal Protection and Rescue League that a rope barrier meant to keep people away from the seals should remain year-round, not just during the November-to-May pupping season.

"We are thrilled the seals will now have a rope barrier protecting them year-round from harassment and disturbance," said Bryan Pease, attorney for the Animal Protection and Rescue League.

The City Council in 2010 ordered the year-round rope. But the city Planning Commission turned down the council request, saying the rope should remain only during pupping season. The California Coastal Commission supported the council's decision about a year-round barrier.

Pressman ruled that the council, not the Planning Commission, has the final authority in the rope matter. The rope barrier leaves a narrow pathway for people to get from the beach to the water.

For two decades, opposing sides have battled in court and the political realm over the presence of the seals on the horseshoe-shaped beach.

One side says the seals should be allowed to remain and be protected. The opposing side says the beach is meant for children and the seals and their droppings imperil public health and restrict access to the tranquil water.

An attorney for the Friends of the Children's Pool argued unsuccessfully that the planning commission has the authority, not the council.

After a surveillance camera recently showed two women harassing the seals under cover of darkness, Mayor Bob Filner ordered the beach closed to the public at night.

The Friends of the Children's Pool, which believes the city has tilted too far in supporting the seals over people, is seeking a court order overturning Filner's order. That issue has a court hearing in the next week.

City Atty. Jan Goldsmith, while noting that Filner did not contact him before issuing the nighttime closure order, said he stands ready to defend the order in court.

"I have seen the videos of the seal abuse and I am appalled," Goldsmith said. "Once we receive information as to the identity of these perpetrators, they will be brought to justice."

The seal dispute has also prompted the city attorney's office to lodge a petty theft charge against Pease for allegedly taking down a large sign posted near the seals saying that the beach is "open."

The sign was allegedly posted by someone who wants the public to know that the beach can still be used by bathers and divers despite the presence of the seals, who sometimes number in the hundreds.

The case is set for trial next month. Filner is siding with Pease and has testified that, in the same position as Pease, he would have taken down the sign.

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