A state law carried in Sacramento by Sen. Christine Kehoe and Assemblyman Nathan Fletcher changed the terms of the long fight over the presence of seals at the Children's Pool in La Jolla. Shown above is a photo from earlier this year in which seals relax on a rock in the Children's Pool during high tide. U-T FILE PHOTO

TIME TO END BATTLES OVER SEALS, CHILDREN'S POOL

JAN GOLDSMITH

Should children and seals be allowed to share the same patch of sand in La Jolla? That's been the subject of several lawsuits over the past decade. Hopefully, a recent decision by Judge Joel Pressman will put an end to legal conflicts and usher in a positive new era of shared use.

This long, notorious saga began in 1930 when Ellen Browning Scripps endowed the state of California with a “bathing pool for children,” not a marine mammal park. The state, as owner of the beach, can change the trust. In 2009, I proposed to the City Council that we sponsor legislation to do just that. The council agreed.

Sen. Christine Kehoe and Assemblyman Nathan Fletcher carried Senate Bill 428, which changed the trust to allow for the seals and a marine mammals to peacefully co-exist, something that is rare in nature and fascinating to watch. Unfortunately, the key stakeholders – the children and the seals – have had virtually no say in the matter. The issue has been driven by small groups of adult, human activists opposed to shared use. They have harassed each other and the seals, filing frivolous lawsuits and otherwise exceeding the bounds of reasonable behavior.

The state owns the beach. The seals are the beneficiaries of Scripps’s trust. The children are the beneficiaries of the state law. And the court has determined that it is the responsibility of local government to reach an accommodation that works for everyone.
A state law carried in Sacramento by Sen. Christine Kehoe and Assemblyman Nathan Fletcher changed the terms of the long fight over the presence of seals at the Children's Pool in La Jolla. Shown above is a photo from earlier this year in which seals relax on a rock in the Children's Pool during high tide. U-T FILE PHOTO

TIME TO END BATTLES OVER SEALS, CHILDREN'S POOL

JAN GOLDSMITH

Should children and seals be allowed to share the same patch of sand in La Jolla? That's been the subject of several lawsuits over the past decade. Hopefully, a recent decision by Judge Joel Pressman will end much of the legal conflict and usher in a positive new era of shared use.

This long, notorious saga began in 1990 when Ellen Browning Scripps requested permission from the city of San Diego to construct a 300-foot breakwater in the Pacific Ocean adjacent to La Jolla to create a bathing pool. The City Council agreed and by February 1991, the 300-foot concrete breakwater was completed.

Scripps' generous gift was the breakwater, not the beach. She never owned the La Jolla beach. The state of California does. In June 1991, the governor signed legislation that granted the beach in trust to the city for a "bathing pool for children."

For over 60 years, the Children's Pool was a popular destination for kids and families. By the early 1990s, seals began coming in large numbers to the Children's Pool. A brewing conflict between humans and seals came to a head in 2008 when individuals petitioned the city to remove the seals and restore the beach to human-only use. The city refused, saying that seals and humans should share the beach.

A lawsuit was filed in 2004 asking that the court order San Diego to remove the seals. The city fought hard to defend its shared-use policy, but lost.

When I took office in 2008, the city was under a court order to remove the seals from Children's Pool and reconfigure the beach to its 1981 appearance. The order was final. The city had already lost at trial and appeal. It was also ordered to pay $1 million to the plaintiff's lawyer.

The state of California was for a "bathing pool for children," not a marine mammal park. The state, as owner of the beach, can change the trust. In 2009, I proposed to the City Council that we sponsor legislation to do just that. The council agreed.

Sen. Christine Kehoe and Assemblyman Nathan Fletcher carried Senate Bill 428, which changed the trust to allow for the seals and a marine mammal park. The legislation was enacted and signed by the governor, we returned to court and the judge vacated the order to peacefully co-exist, something that is rare in nature and fascinating to watch. Unfortunately, the key stakeholders -- the children and the seals -- had virtually no say in the matter. The issue has been driven by small groups of adult, human activists opposed to shared use. They have harassed each other and the seals, filing frivolous lawsuits and otherwise exceeding the bounds of civility.

All of this needs to stop. Instead of more wasteful lawsuits, I invite all parties to begin a new chapter in this saga by accepting Judge Pressman's decision and working with the city to implement shared use in a reasonable and respectful manner.

As its name suggests, the "Children's Pool" has always been intended for the enjoyment and benefit of children. They come from around the world to visit the seals and respect nature. This unique sharing of space will hopefully last for many generations of humans and seals.

Goldsmit is San Diego city attorney.