



## **FOR IMMEDIATE RELEASE**

Jessica Spaulding  
On behalf of the City of Dana Point  
(949) 233-8575  
jessica@spaulding-agency.com

### **City of Dana Point Forced to File Lawsuit Against Center for Natural Lands Management for Denying Daily Public Access to Bluff Top Nature Trail; City Seeks \$9,180,000 in Penalties**

**Dana Point, CA (January 31, 2022)** -- Since April 2010, ten years prior to COVID, the public has enjoyed access to Dana Point's beautiful bluff top Nature Trail at the Dana Point Preserve from 7 a.m. to sunset, seven days a week. The trail has now been unlawfully closed for nearly two years. After repeated unsuccessful efforts to cause the public trail to be reopened, the City of Dana Point (City) has now filed a suit against the Center for Natural Lands Management (CNLM) to compel it to be opened, and to recover damages for the public's loss of this valuable coastal resource.

The Dana Point Preserve was required to be dedicated as part of the Headlands development to CNLM. CNLM is a non-profit organization that owns and manages the Preserve, including the horseshoe shaped public Nature Trail that runs along the Headlands bluff past several designated Overlook Areas. The City owns and manages the Nature Interpretive Center and additional trails adjacent to the Preserve, which were also dedicated to the public as part of the development of the Headlands. These public trails, together with the Nature Trail in the Preserve, create an approximate two-mile loop for the public's use and enjoyment.

In March 2020, in response to COVID, CNLM locked the gates at each end of the Nature Trail denying public access to the Preserve including the Nature Trail and Outlook Areas. While the City also initially closed the public trails it manages adjacent to the Preserve in response to COVID, in May 2020 the City was able to safely reopen them consistent with State and County health guidelines and regulations. It asked CNLM to do the same with the Nature Trail. Despite the City's repeated efforts, CNLM

initially refused to reopen the Nature Trail at all. Ultimately CNLM reopened the trail only three days a week, and only from 8 a.m. to 4 p.m.

At a time when outdoor recreation is highly encouraged to combat COVID, public access remains severely limited both to the Nature Trail, and the complete trail loop created as part of the approval of the Headlands development.

In response to CNLM's refusal to allow public access as required by the entitlements that authorized the development of the Headlands, the City of Dana Point has filed a suit for civil fines and injunctive relief. It asserts that CNLM's actions violate the California Coastal Act. The City's goal is to once again maximize daily public access to the Preserve, Nature Trail, and Overlook Areas and thereby enable coastal recreational opportunities for residents and visitors.

"Simply put, the Center for Natural Lands Management is trying to keep the public out. When we agreed to development on the Headlands, we required, in exchange, public access to these beautiful trails and coastline for our residents and visitors," said Dana Point Mayor Joe Muller. "People want and need access to the outdoors and fresh air for walking, hiking, jogging and bird watching. This entire trail system is fundamental to our City's commitment. Despite the City issuing numerous citations against CNLM over the past several months, CNLM has been unwilling to abide by our original agreement which is why we are now forced to take this latest action."

Maximizing coastal access is fundamental to the City of Dana Point. Thus, in 2004 the Headlands Development and Conservation Plan (HDCP) was approved by the City and Coastal Commission as a means by which to enable private development of the Headlands while at the same time preserving major portions of the site for public enjoyment. While the Preserve is owned and managed by CNLM, the City of Dana Point has an easement for daily public access to the Nature Trail. This is memorialized by a written Conservation Easement that was required by the HDCP. The HDCP also required the creation of a Habitat Mitigation and Monitoring Plan (HMMP). Read together, the HDCP, Conservation Easement, and HMMP require the Nature Trail to be open daily, from 7 a.m. to sunset.

The City's suit is based upon CNLM's actions refusing and restricting public access during daylight hours which constitute violations of the HDCP, Conservation Easement and HMMP, as well as the Coastal Act and the City's Municipal Code. The suit was filed as a Cross-Complaint, in response to a complaint filed by the CNLM appealing citations issued by the City for closure of the Nature Trail. Based on the unsupportable and intentional nature of CNLM's actions, the City's suit, filed on January 21, 2022, seeks the maximum penalty authorized by the Coastal Act of \$15,000 per day, which currently totals \$9,180,000, reflecting over 612 days to date that the public's access to the Nature Trail has unlawfully been restricted.

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