



PRESS RELEASE: February 1, 2022

CENTER FOR NATURAL LANDS MANAGEMENT

The Center for Natural Lands Management is a nonprofit organization that for more than 30 years has been protecting sensitive West Coast environments and endangered species using professional, science-based stewardship. The Center is not supported through public taxes or city revenue. Because of its expertise and experience, the Center was given ownership of and responsibility over the Dana Point Preserve, a 29-acre parcel of coastal property that is home to an endangered species on the edge of extinction, the Pacific pocket mouse, and a highly threatened species, the coastal California gnatcatcher. The Pacific pocket mouse exists in only three locations in the world—the Dana Point Preserve and two places on the Marines Corps Base Camp Pendleton. Trying to protect these species while simultaneously providing access to the public for their enjoyment has been a challenge for the Center. When the trail on the Preserve was closed in March 2020 due to COVID-related public health directives, Center staff took the opportunity to revisit the amount of public access, the impacts on the Preserve and its resident species, and the growing scientific literature that revealed impacts from public trail use on natural areas. It was clear that public use was a threat to the protected species. Recent scientific studies elsewhere have reached the same conclusion: the movement, sights, sounds, and smells of visitors, even if they are following the posted rules and staying on the trail, can harm protected species. When the public violates the rules and goes off trail, they crush the burrows of pocket mice and trample important plants.

The Center manages the Preserve in keeping with City's Local Coastal Plan, a Coastal Development Permit, and a Conservation Easement that call for both protecting the species and habitat on the Preserve and providing limited, controlled public access to the trail through the Preserve. Toward that end, these governing documents direct and authorize the Center to determine and establish hours of operation of the trail. The Center has done just that, taking into account changing circumstances and new information to adjust the hours of operation to afford the public access to the beauty of the coastline while carefully monitoring and protecting the species and habitat. The Center currently is considering adjusting the hours of operation to provide more public access, and in connection with that is consulting with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife about refining its analysis of public access.

The City of Dana Point also has responsibility to help the Center to protect the fragile and imperiled natural resources on the Preserve. It holds a conservation easement on the Preserve, and that easement provides primarily for the protection of species and habitat. However, the City is not fulfilling its responsibilities. On the contrary, the City has been hostile and aggressive. It insists that the Preserve must be open every day

from dawn to dusk, even though the Preserve's species are most vulnerable at dawn and dusk. At one point the City even opened the Center's gates to the Preserve without permission and locked them open, thereby allowing uncontrolled public access. They evicted Center staff from their office in the nearby Nature Center and have interfered with the Center's management and protection of the Preserve. The City has fined the Center \$500 for every day in which the Preserve is not open.

Last fall, the Center sued the City for trespassing on the Preserve and violating its duties under the conservation easement and to overturn the City's fines. The Center's suit is a rare undertaking for our conservation organization – made necessary by the need to protect the at-risk species.

When the Center continued to honor its responsibilities, the City responded to the Center's lawsuit by filing a cross-claim that threatens the Center with more penalties. Although the City wants to throw the Preserve's gates wide open even if the species go extinct, the Center cannot passively stand by and let that happen.

We understand the public's interest in walking on the trail and we intend to continue to provide public access. But it's also our responsibility to safeguard the sensitive natural resources along the coast, including the endangered species that, unlike ourselves and other hikers, do not have other options for their well-being.

For more information about the Center for Natural Lands Management and the Dana Point Preserve, please visit www.cnlm.org or contact Deborah Rogers, Co-Executive Director and Director of Conservation Science and Stewardship at (510) 799-7701. For more information about the lawsuit, call Lawrence Bazel, counsel for the Center, at (415) 402-2711.