

Center for Natural Lands Management

A non-profit organization for the protection and management of natural resources

27258 Via Industria, Suite B
Temecula, CA 92590-3751
Phone: 760.731.7790
Fax: 760.731.7791
www.cnlm.org



April 2, 2024

Honorable Members of the Dana Point City Council
33282 Golden Lantern
Dana Point, CA 92629

Via Email to: JGabbard@danapoint.org, MPagano@danapoint.org,
JFederico@danapoint.org, MFrost@danapoint.org, and
MVillar@danapoint.org

RE: Trespass at Dana Point Preserve

Dear Honorable Council Members:

As the owner and manager of the Dana Point Preserve in the Dana Point Headlands, the Center for Natural Lands Management ("CNLM") continues to confront issues of visitors on the Preserve after sunset, when the Preserve is closed. Such trespassing causes irreparable damage to the Preserve's fragile ecosystem, home to the critically endangered Pacific Pocket Mouse. Despite our previous discussions with City of Dana Point ("City") Council Members and the City Manager regarding trespassing, the actions—and inactions—of the City have created a culture of impunity for this behavior.

The Preserve's rules clearly state that the gates automatically lock at sunset. The daily time that the gates lock is clearly posted for visitors. Our rangers and private security contractors diligently inform visitors of impending closures in the hour and minutes before sunset. However, far too many visitors still disregard the posted information and these warnings. **Between January 1, 2024, and March 14, 2024, CNLM documented over 600 instances of people on the Preserve after closing hours.**

The situation is exacerbated by the City's apparent disregard of its own laws on trespass¹ and the close relationship between city officials and some individuals who insist on staying in the Preserve after closing. On many occasions, individuals with close ties to the City Council have insisted on staying in the Preserve after hours. When the gates are locked at sunset, as per the posted hours, these individuals have called City officials (rather than the posted phone numbers for CNLM or law enforcement) to let them out. Needless to say, we are not aware of any time these individuals have been cited for trespassing.

¹ For example, see Dana Point Municipal Code sections 11.50.010 ("[n]o person shall remain upon any private property or business premises, after being notified by the owner [or] owner's agent [...] to remove oneself from the property") and 13.04.055 ("[i]t is unlawful for any person to leave the designated trail and trespass on protected habitat [...] in the Center for Natural Lands Management Dana Point Preserve").

City Council, City of Dana Point

April 2, 2024

Page 2 of 2

Our efforts to protect the Preserve and provide controlled public access are undermined by the lack of City's support for citations and giving special accommodations to its friends who choose to disregard rules and trespass. The City's practices are also in apparent disregard of the legal obligations under the 2005 Conservation Easement, signed by Dana Point's City Attorney Patrick Muñoz, which restricts public access outside daylight hours.

We urge the City to reaffirm its commitment as a community partner in safeguarding the Preserve against trespassing on private land.

We appreciate your attention to this longstanding matter and look forward to improved collaboration that honors our shared responsibility to protect this valuable natural resource.

Respectfully,

A handwritten signature in black ink, appearing to read "DL Rogers".

Deborah L. Rogers
Co-Executive Director
Center for Natural Lands Management

cc:

Jonathan Snyder
Assistant Field Supervisor
Carlsbad Fish and Wildlife Office
U.S. Fish and Wildlife Service
jonathan_d_snyder@fws.gov

Andrew Willis
Southern California Enforcement
Supervisor
California Coastal Commission
Andrew.Willis@coastal.ca.gov

Mike Killebrew
City Manager
City of Dana Point
MKillebrew@danapoint.org

Erinn Wilson-Olgin
Regional Manager
South Coast Region
California Department of Fish and Wildlife
erinn.olgin-wilson@wildlife.ca.gov