

CALIFORNIA COASTAL COMMISSION

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October 7, 2025

City Council
City of Dana Point
Attn: City Clerk
33282 Golden Lanter, Ste. 203
Dana Point, CA 92629

Re: Item 12, Coastal Development Permit No. 24-0022

Dear City Council:

Commission staff were forwarded notice that the City Council is scheduled to hear an appeal filed by the Center for Natural Lands Management of the Planning Commission's determination that CNLM's proposal to establish trail hours and perform habitat restoration at the Dana Point Preserve to protect the federally endangered Pacific Pocket Mouse requires an environmental impact report. Since the proposed trail hours and habitat restoration are intended to protect the Pacific Pocket Mouse, and given the Pacific Pocket Mouse's precarious existence at the Preserve, Commission staff are interested in seeing CNLM's proposal move forward for review pursuant to the Local Coastal Program and Coastal Act as soon as possible, either through proposed CDP No. 24-0022 or an amendment to the Habitat Management and Monitoring plan for the Preserve¹. Thus, we respectfully ask that the City Council consider CNLM's appeal in the context of the tenuous situation of the Pacific Pocket Mouse.

The wildlife agencies (U.S. Fish and Wildlife Service and California Department of Fish and Wildlife) have expressed their concern with the current trail hours and voiced support for trail operation that avoids crepuscular hours. Although it might strike the City Council as unusual that Commission staff would support such management of access, this position is rooted in the Commission-certified Local Coastal Program and City-approved CDP No. 04-23, which have, collectively, analyzed and established a balanced approach to public access in this situation, given the extreme vulnerability of the Pacific Pocket Mouse population at the Preserve and generally.

Table 3.4.5 (Headlands Conservation Park) of the LCP describes the balanced approach to access and protecting habitat that must occur at the Preserve. It states, in part:

Balancing the desire for limited public access and views along the perimeter, this planning area also is designed to protect a number of sensitive flora and fauna, including the Pacific pocket mouse. As a result, and to protect this natural resource area from overuse, only limited portions of the area will accommodate passive uses, such as the bluff top trails, security fencing, overlooks, seating, and signage. The bluff top trail shall be sited to avoid and setback at least 25 feet from coastal bluff scrub in the vicinity of the bluff edge. The receiving agency or nonprofit entity will establish hours of operation for the bluff top trail.

With specific regard to how public access and habitat protection will be balanced with respect to trail hours, Section 4.5.1 of the Local Coastal Program states, in part:

¹ The Habitat Management and Monitoring Plan is a requirement of, and its implementation is authorized by, CDP No. 04-23, which authorized the Headlands project.

The bluff-top trail in the Headlands Conservation Park shall be accessible to the public year-round, except for any specific period determined by the resources agencies to protect on site resources. The recipient public agency or non-profit entity will determine hours of daily operation.

As the City Council is no doubt aware, the Dana Point Preserve is a vital resource for both the coastal access that it provides and sensitive habitats that it protects. The Preserve supports the federally threatened Coastal California Gnatcatcher and endangered Pacific Pocket Mouse, as well as other rare plant species and communities. The U.S. Fish and Wildlife Service identified the Dana Point Preserve as critical for the Pacific Pocket Mouse's survival in the 1998 Recovery Plan for the Pacific Pocket Mouse, stating:

Unless, or until sufficient, additional viable populations are discovered and/or established and protected, it is imperative that existing populations be protected and expanded through active management. Loss or degradation of any of the populations at the three known extant locales could irretrievably diminish the likelihood of the subspecies' survival. **All known extant populations are essential, including the Dana Point Headlands population** (Boggs 1997, Buck 1997, Price 1997, Silver 1997, Silver and Drumm 1996, Soule' 1996). [emphasis added] [p. 34.]

In the recovery plan, the USFWS identified foot traffic as a contributor to the Pacific Pocket Mouse's decline, stating:

In summary, habitats within the historic range of the Pacific pocket mouse have been highly fragmented or degraded by highways, roads, structures, lighting, foot traffic, other human activities, and the proliferation of non-native plant and animal species. Fragmented and degraded habitats support smaller populations, which are more susceptible to random extinction events. [p. 26]

Given the susceptibility of the Pacific Pocket Mouse to disturbance from pedestrian use of trails, the wildlife agencies have supported CNLM's proposal to manage trail hours, stating in a May 15, 2023 letter:

As relayed in our prior comment letter, the status of each of the extant PPM populations warrants a conservative management approach to safeguard them from extirpation, especially at Dana Point, which supports the smallest and most vulnerable PPM population to environmental, demographic and genetic threats. Because public access is one of the few threats to the Dana Point population that can be effectively managed and could appreciably influence the size of the Dana Point population, we continue to support the proposal to more closely monitor and manage public access as a component of the adaptive management plan for the Preserve.

In contrast, it is the opinion of Commission staff that the current trail hours that the City has asked the court to impose raise issues as to consistency with the recommendation of the wildlife agencies to regulate trail use to better protect the pocket mouse, and thus also raise issues as to consistency

with the LCP, as staff has previously explained in a letter to the Planning Commission dated April 22, 2024. Nor are the current hours appropriately authorized pursuant to the LCP or Coastal Act. We are concerned that the City's insistence upon the current hours is endangering the existence of the Pacific Pocket Mouse. Managing public use of the Preserve in a way that minimizes impacts to this endangered species, in conjunction with habitat restoration measures put in place and proposed by CNLM, is critical to the survival of this species. Accordingly, we ask that the City Council help to expeditiously facilitate CNLM's efforts, as the owner and manager of the Preserve, to establish trail operations that protect the Pacific Pocket Mouse and continue to provide for public access and recreation.

We ask that Council act immediately on the appeal and not continue the hearing any further in order to allow the application process to move forward as expeditiously as possible. Thank you for considering this letter, Commission staff remain available to help establish trail operations that are consistent with the public access and habitat protection policies of the Local Coastal Program and the Coastal Act.

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Shannon Vaughn
Coastal Program Manager
South Coast District