

**CITY OF DANA POINT  
M E M O R A N D U M**

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**DATE:** APRIL 22, 2024

**TO:** PLANNING COMMISSION

**FROM:** BRENDA WISNESKI, COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT:** ITEM #2, REVISED CONDITION OF APPROVAL

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Since the staff report was published, the City received a comment letter from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (Wildlife Agencies), dated April 19, 2024. The letter is significant because it dispels inaccurate representations that the Wildlife Agencies recommend limiting the hours of public access to four days per week as desired by CNLM.

USFWS' letter acknowledges that it is currently unknown if public access is having a negative impact on the PPM and suggests that flexibility is needed to modify the hours if future studies demonstrate additional restrictions on access might benefit the PPM. In response to this comment, Staff recommends the following condition of approval be included in the draft resolution for the Planning Commission's consideration.

New Condition of Approval

1. The Director of Community Development, or her/his designee shall, on at least an annual basis, meet with the resource agencies (i.e., USFWS/CDFW) to review whether the hours of operation established by this CDP appropriately balance public access, protection of the Pacific Pocket Mouse, and protection of other wildlife species, and further, to consider whether any additional adaptive management approaches to the Nature Trail operations are necessary to more appropriately balance public access and the protection of the PPM. The Director is authorized to permit partial or complete temporary closures of the Nature Trail, as may be reasonably deemed appropriate, to study whether reducing the current public access hours from 7 AM to sunset 7 days a week is likely to have an observable effect on the PPM population, and whether further restricting public access would have the potential for reducing direct or indirect impacts of humans on the PPM (if any), and if so what if any measures would be appropriate to address such impacts. Provided public access continues to be available on a daily basis as required by the HDCP, the Director shall have the flexibility to adjust permissible opening or closing hours by not more than 1 hour if warranted by the above noted studies, and may impose such conditions as she/he deems appropriate to maximize public access.