RECORD OF DECISION

MONTROSE SETTLEMENTES RESTORATION PROGRAM, FINAL ENVIRONMENTAL IMPACT STATEMENT

I. SUMMARY

This Record of Decision (ROD) was prepared by the U.S. Fish and Wildlife Service (Service) in compliance with the agency decision-making requirements of the National Environmental Policy Act of 1969, as amended (NEPA; 40 C.F.R. §1505.2). The purpose of this ROD is to document the Service's decision on the selection of the Preferred Alternative to restore natural resources and the services they provide in the Southern California Bight, as evaluated in the final Restoration Plan Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) for the Montrose Settlements Restoration Program (MSRP) dated November 2005. This EIS/EIR was prepared in cooperation with five other federal and State agencies, including the California Department of Fish and Game (State lead agency for the California Environmental Quality Act, CEQA).

Federal Actions Subject to NEPA. Implementation of the Montrose Settlements Restoration Program's Restoration Plan, as proposed, is a major federal action subject to review under NEPA. The Service prepared a draft and final EIS/EIR jointly with the National Oceanic and Atmospheric Administration (NOAA), National Park Service (NPS), California State Lands Commission (CSLC), California Department of Parks and Recreation (CDPR), and California Department of Fish and Game (CDFG). These agencies have established the Montrose Trustee Council. NOAA is the lead Trustee for the Montrose Trustee Council. Under the terms of the final Montrose consent decree and a Trustee Council Memorandum of Agreement between them, the Trustees jointly retain the ultimate authority and responsibility to use funds received for natural resource damages to reimburse damage assessment costs and to address injured natural resources and the loss of services they provide.

This ROD provides: (1) the Service's decision, (2) the proposed action; (3) alternatives considered in the EIS/EIR, including the Environmentally Preferable Alternative (Preferred Alternative); (4) key issues; (5) associated impacts, mitigation and findings, providing all practicable means to avoid and minimize environmental harm; (6) public involvement, including an explanation of changes made between the draft and final EIS/R; (7) implementation guidelines; and (8) conclusion.

II. INTRODUCTION

The Montrose Restoration Plan EIS/EIR analyzes potential impacts to the human environment from the implementation of actions to restore natural resources and the services they provide in the Southern California Bight. The natural resource injuries being addressed by this plan resulted from historical releases of DDTs and PCBs from the Montrose Chemical Corporation facility in Los Angeles, California and other facilities. The Montrose Restoration Plan EIS/EIR is a means of determining and disclosing the potential environmental impacts of the Proposed Action.

BACKGROUND

From the late 1940s to the early 1970s, millions of pounds of DDTs and PCBs were discharged from industrial sources through a wastewater outfall into the ocean at White Point, near Los

Angeles. These discharges resulted in widespread impacts on the natural and human environment. The contaminants, chemical mixtures banned in the United States today but manufactured in the past for pesticides and industrial purposes, contributed to severe declines in the populations of several species of birds, including the extirpation of bald eagles and peregrine falcons from the Channel Islands. The high levels of DDTs and PCBs in certain species of fish also led the State of California to issue consumption advisories, impose bag limits, and enact a commercial catch ban on certain types of fish. Although the releases were largely brought under control in the 1970s, these chemicals still contaminate the marine environment of the Southern California Bight.

In 1990, the United States of America and the State of California initiated legal action against the Montrose Chemical Corporation and the other polluters responsible for the discharges of DDTs and PCBs. In December 2000 the final settlement was signed, ending ten years of litigation. Under the terms of four separate settlement agreements, Montrose and the other defendants agreed to pay $140.2 million plus interest to the federal and state governments. Of this amount the Natural Resource Trustees (Trustees) received $63.95 million, with an option that an additional $10 million earmarked for the Environmental Protection Agency (EPA) response actions may instead go to natural resource restoration, depending on the outcome of EPA's ongoing remedial investigation.

As required by Superfund law, the Trustees must use the settlement monies to restore the natural resources that were harmed by the chemicals at issue in this case and must prepare a restoration plan subject to public review.

The MSRP Restoration Plan EIS/EIR identifies a set of actions to restore bald eagles, peregrine falcons and other marine birds, fish and the habitats upon which they depend, and to compensate the public for lost use of natural resources. The plan has been prepared as a programmatic EIS/EIR because restoration is being planned and implemented in phases, and not all of the actions evaluated as part of the first phase have been developed yet to a sufficient level of detail to allow for final EIS. Subsequent NEPA and CEQA analysis will be performed as appropriate, as further details are developed on actions that are only conceptual at present, and as the Trustees prepare to select further restoration actions for implementation in a second phase of restoration. The current Restoration Plan EIS/EIR identifies a set of actions at a total estimated cost of $25 million to be implemented in the first phase of restoration, estimated to run approximately 5 years from the date of this ROD.

Documents Used in ROD Preparation

Documents used in preparation of this ROD include the: Montrose Draft Restoration Plan and Programmatic EIS/EIR dated April 2005, Service's Section 7 Informal Consultation dated September 26, 2005 (FWS-LA-3556.1), and Montrose Final Restoration Plan and Programmatic EIS/EIR dated November 2005. These documents are incorporated by reference (40 C.F.R. §1508.13).

III. DECISION

Based on the comparison of alternatives and associated environmental consequences as provided in the final EIS/EIR, the Service (along with its co-trustees) will implement Alternative 2 (Preferred Alternative). Alternative 2 will effectively address the continuing injuries and lost services which were the subject of the Montrose case and compensate for past injuries. Having considered the restoration goals and objectives, the current state of recovery of resources, and the continuing presence of contamination, the Trustees believe that the Preferred Alternative

represents an optimal approach for natural resource restoration across the demonstrated injury types for the purposes of both primary and compensatory restoration.

To effectively restore injured natural resources associated with the Montrose case, Alternative 2 includes the following projects to be implemented during the first phase of restoration:

- Construct artificial reefs and fishing access improvements
- Provide public information to restore lost fishing services
- Restore full tidal exchange wetlands
- Augment funds for implementing Marine Protected Areas in California
- Complete the Northern Channel Islands Bald Eagle Feasibility Study before deciding on other eagle restoration actions
- Monitor the recovery of peregrine falcons on the Channel Islands
- Restore seabirds to San Miguel Island
- Restore seabirds to Scorpion and Orizaba Rocks
- Restore seabirds to San Nicolas Island
- Restore alcids to Santa Barbara Island
- Restore seabirds to Baja California Pacific Islands

IV. ALTERNATIVES CONSIDERED

The draft and final EIS/EIR evaluated two action alternatives and a no action alternative. The difference between the two action alternatives was largely based on the amount of funding allocated between the different natural resources (see Table 1).

The No Action Alternative 1

This alternative assumes that the Trustees would not implement projects to restore injured natural resources or compensate for lost services. Instead, the Trustees would rely on natural processes for the gradual recovery of the injured natural resources and would only take the limited action of monitoring this natural recovery.

Although natural recovery might eventually occur for many of the injured resources, recovery would likely take a significantly longer time than it would under an active restoration scenario. Further, the interim losses of the services normally provided by the injured resources (e.g., public fishing benefits, benefits to the ecosystems) would not be compensated. In addition, certain events, such as the extirpation of bald eagles and the introduction of exotic species on the Channel Islands, have led to consequences that may not be addressed under a natural recovery alternative. Because feasible restoration actions have been identified that would address the injuries and lost services of the case, the Service and the co-trustees found that this alternative, as an overall approach across all resource categories, does not optimally restore the injured resources of the MSRP. However, this determination does not preclude selection of natural recovery as an option for specific resources (e.g., peregrine falcons) within the overall framework of a comprehensive restoration alternative.

Table 1. Comparison of MSRP Restoration Alternatives

Potential Restoration Actions	Alternative 1 (No Action)	Alternative 2 (Preferred)*	Alternative 3*
Fishing and Fish Habitat Restoration		$12 million	$12 million
Construct artificial reefs and fishing access improvements		•	•
Provide public information to restore lost fishing services		•	•
Restore full tidal exchange wetlands		•	
Augment funds for implementing Marine Protected Areas in California		•	
Bald Eagle Restoration		$6.2 million	$10 million
Complete the NCI Bald Eagle Feasibility Study before deciding on further restoration actions.		•	
Complete the NCI Bald Eagle Feasibility Study; Regardless of its outcome, continue funding Santa Catalina Island Bald Eagle Program			•
Peregrine Falcon Restoration		$0.3 million	$0.3 million
Restore peregrine falcons to the Channel Islands			
Monitor the recovery of peregrine falcons on the Channel Islands		•	•
Restore peregrine falcons to the Baja California Pacific Islands			
Seabird Restoration		$6.5 million	$2.7 million
Restore seabirds to San Miguel Island		•	
Restore alcids to Santa Barbara Island		•	•
Restore seabirds to San Nicolas Island		•	
Restore seabirds to Scorpion and Orizaba Rocks		•	•
Restore seabirds to Baja California Pacific Islands • *Coronado and Todos Santos Islands* • *Guadalupe Island* • *San Jeronimo and San Martin Islands* • *San Benitos Islands* • *Asuncion and San Roque Islands* • *Natividad Island*		• *(Coronado and Todos Santos Islands)*	• *(Coronado and Todos Santos Islands)*
Create/enhance/protect California brown pelican roost habitat			
Implement entanglement reduction and outreach program to protect seabird populations			
Restore ashy storm-petrels to Anacapa Island			

Alternative 2 (Selected and Environmentally Preferred Alternative)

Alternative 2 consists of projects to restore fishing and fish habitat, bald eagles, and seabirds in the Southern California Bight, and to monitor the recovery of peregrine falcons in the Channel Islands. The following describes the restoration projects included in Alternative 2.

Fishing and Fish Habitat

Construct artificial reefs and fishing access improvements. This action funds the construction of reefs to displace the more highly contaminated fish that occupy existing soft-bottom habitats by recruiting and/or producing reef and water-column-feeding fish that are lower in DDTs and PCBs. This action also provides facility improvements to promote the use of the enhanced fishing sites, to heighten awareness of how habitat affects the concentration of contaminants in different species of fish, and to provide compensatory restoration for past losses in fishing opportunities due to limitations imposed by fish consumption advisories. This action would effectively address both fishing and fish habitat restoration close to the areas affected by the contaminants of the case.

Provide public information to restore lost fishing services. Fish contamination and a lack of public understanding about it currently impair the public's use and enjoyment of fish as a resource. This action consists of a public information program aimed at restoring the human use services provided by natural resources (i.e., fish).

Restore full tidal exchange wetlands.

This action provides funds for the restoration of coastal wetlands that improve production of coastal fish. Funding would be contributed toward implementation of one or more ongoing or planned larger-scale coastal wetland restoration efforts in the Southern California Bight.

Augment funds for implementing Marine Protected Areas in California. This action will supplement the limited funding currently available for the management and monitoring of existing Marine Protected Areas (MPAs) to provide for a more sound scientific assessment of their effects on habitats and fish production within and outside their boundaries. This action will not establish new MPAs or modify the boundaries or human use restrictions of the MPAs already established for the Channel Islands.

Bald Eagles

Complete the Northern Channel Islands Bald Eagle Feasibility Study before deciding on other restoration actions

Efforts to reintroduce bald eagles to Santa Catalina Island, one of the Southern Channel Islands, began in the 1980s; however, even today bald eagles on Santa Catalina Island continue to be exposed to high concentrations of DDTs from their diet and cannot reproduce on their own. The Trustee Council has funded a human intervention program (whereby healthy eagle chicks are fostered into nests on Catalina after failed-to-hatch eggs are removed) since the early 1990s. Assessment of egg contamination data over the past 15 years does not indicate that any of the bald eagle pairs on Catalina are likely to be able to reproduce successfully on their own any time in the foreseeable future. The Trustees are currently conducting the Northern Channel Islands (NCI) Bald Eagle Feasibility Study to determine whether the bald eagles reintroduced onto the Northern Channel Islands (and therefore further from the Montrose contamination source) will have lower levels of contamination and be able to reproduce without human intervention. Results are expected in or around 2008.

In Alternative 2, the Trustees will complete the NCI Feasibility Study and use its results and any other new data to decide future bald eagle restoration actions, in or around 2008. During the

interim period under Alternative 2, the Trustees will suspend funding of the Catalina Island bald eagle nest manipulation program. After considering the results of the NCI Feasibility Study and any other new data, the Trustees will develop and provide for public review a proposed subsequent set of actions and environmental analysis, and decide on next steps for bald eagle restoration at that time.

Peregrine Falcons

In Alternative 2, this action monitors the recovery of peregrine falcon populations on the Channel Islands through periodic surveys and contaminant analysis to determine the degree to which their numbers and condition are recovering to the baseline state.

Seabirds

Restore seabirds to San Miguel Island. This action enhances seabird nesting habitat on San Miguel Island in the Channel Islands National Park by eradicating the introduced black rat over a period of approximately 5 years.

Restore alcids to Santa Barbara Island. This action re-establishes a once-active Cassin's auklet breeding population and augments Xantus's murrelets on Santa Barbara Island in the Channel Islands National Park through social attraction and habitat enhancement.

Restore seabirds to San Nicolas Island. This action restores the western gull and Brandt's cormorant colonies on the U.S. Navy–owned San Nicolas Island by eradicating feral cats on the island.

Restore seabirds to Scorpion and Orizaba Rocks. This action restores seabird habitat off of Santa Cruz Island, within the Channel Islands National Park, through the removal of non-native vegetation, the installation of artificial nesting boxes, and reduction in human disturbance.

Restore seabirds to Baja California Pacific Islands (Coronado and Todos Santos Islands). This action restores seabird populations using social attraction, habitat enhancement, and human disturbance reduction.

In addition to the seabird restoration actions listed above, there were other seabird restoration projects found to satisfy the Trustees' detailed evaluation; however, they could not be included without exceeding the budget identified for Phase 1 of restoration implementation. Should one or more of the above seabird actions be later determined inadvisable to pursue, the Trustees would provide public notice and use the available funds to proceed with one or more of the other seabird actions listed below that met the evaluation criteria but were not incorporated into this alternative.

Restore ashy storm-petrels to Anacapa Island. This action facilitates breeding for the rare ashy storm-petrel on Anacapa Island, using vocalizations and nest boxes.

Restore seabirds to other Baja California Pacific Islands. Additional seabird restoration actions may be conducted on Guadalupe Island, San Jeronimo and San Martin Islands, San Benitos Islands, Asuncion and San Roque Islands, and Natividad Island.

Create/enhance/protect California brown pelican roost habitat. This action entails improvements to communal roosts by placement of floating docks or improvements to rock riprap structures to improve their suitability for seabird roosting.

Implement an entanglement reduction and outreach program to protect seabird populations. This action provides benefits to California brown pelicans and other seabirds by reducing injuries from entanglement with fishing line through public education and outreach.

Environmentally Preferred Alternative

As required by the Council for Environmental Quality NEPA implementing regulations, the Service is to discuss in this section of the decision "the alternative or alternatives which were considered to be environmentally preferable (40 CFR Part 1505.2 (b))." The environmentally-preferable alternative is the alternative which causes the least damage to the biological and physical environment, and which best protects, preserves, and enhances historic, cultural and natural resources. The fundamental purpose of the proposed action is to implement projects that restore natural resources injured and services lost due to the DDTs and PCBs discharged to coastal waters of Southern California. Thus, determining the environmentally-preferable alternative is a matter of determining which alternative most effectively addresses this goal. Alternative 2, the Trustees' Preferred Alternative, has been identified as the Environmentally Preferred Alternative as it provides the broadest benefit to biological resources and human uses affected by the contaminants of the Montrose case.

Alternative 3

In this alternative, a greater level of effort is focused on restoration of continuing injuries and lost services (primary restoration), and consequently the set of actions proposed is less diverse than Alternative 2. Alternative 3 differs from Alternative 2 on bald eagle restoration by providing continued funding for the Santa Catalina Island bald eagle nest manipulation program regardless of the outcome of the NCI Feasibility Study. Thus, Alternative 3 reserves a greater level of funding for bald eagle restoration to sustain the Santa Catalina Island birds until, and potentially long after, the conclusion of the NCI Feasibility Study. The funds available for seabird restoration are commensurately reduced. Alternative 3 also gives restoration of the continuing loss fishing services greater emphasis than fish habitat restoration. Under this alternative, the Trustees would only pursue the construction of artificial reefs and fishing access improvements, and the public information program to restore lost fishing services, and would not provide funds for MPAs or wetlands restoration.

V. KEY ISSUES

The following issues were identified in associated public scoping processes and eventually became Key Issues for consideration during alternative creation and evaluation.

1. Concerns about the allocation of funding across the different resource categories.

The consent decrees for the Montrose case provided funding for restoration, but did not specify how the restoration funds should be allocated among the different resource categories. The restoration funds were allocated by consensus decision of the Trustee Council based on qualitative assessment of the nature and extent of injuries evaluated during the damage assessment phase. The Trustees proposed a phased approach to implementation that provides for adaptive management (i.e., adjusting management actions as new information is gained through the planning and implementing of the actions).

Several other considerations also went into the Trustees' decision to allocate the first phase of restoration funding approximately equally between fishing and fish habitat restoration actions and seabird restoration actions. These considerations included: (1) the estimated costs for the actions that are relatively specific in scope at this stage; (2) the scalability of other actions that are still conceptual (e.g., actions such as reef construction and wetlands restoration for which the size,

number, and locations may be tailored to available budgets); and (3) the practical limitations on managing implementation of multiple restoration actions simultaneously in the same region. In light of these considerations, the Trustees concluded that the proposed mix of actions reflected in the alternatives represents a reasonable distribution of restoration funds for a first phase of implementation and that the phasing provides for future adjustment and adaptation as more information is gained.

2. Concerns that insufficient funds were allocated towards bald eagle restoration, particularly the Santa Catalina Island Bald Eagle Program.

As a result of public comment, the Trustees amended Alternative 2 to reserve $6.2 million exclusively for bald eagle restoration on the Channel Islands. This differs from the approach in the draft plan, which might have redistributed these funds to seabird restoration projects, regardless of the outcome of the NCI Feasibility Study. In addition, the Trustees will defer making any longer-term decisions on bald eagle restoration until the results of the Feasibility Study are known (in or around 2008).

Once the results of the NCI Feasibility Study become available, the Trustees will re-evaluate all potential options for bald eagle restoration, including measures that may be taken even if bald eagles are not able to reproduce on their own anywhere in the Channel Islands. The Trustees will then release a subsequent NEPA/CEQA document for public review and input. The remaining bald eagle restoration funds could then be used on any of the Channel Islands, including Santa Catalina Island.

3. Concerns that suspending the Santa Catalina Island Bald Eagle Program could negatively impact the endangered Santa Catalina Island fox.

The Trustees have carefully considered this issue and determined that, based on several factors, it is unlikely that golden eagles will establish residency on Santa Catalina Island even though they are resident on the Northern Channel Islands. An important factor in this determination is that Santa Catalina Island likely does not have a sufficient terrestrial vertebrate prey base adequate to sustain golden eagles and to support golden eagle breeding on the island. Efforts initiated in the 1990s eliminated several introduced terrestrial mammals (i.e., goats and pigs) from Santa Catalina Island that could have served as prey for golden eagles.

The Service does not anticipate that bald eagles will disappear from Santa Catalina Island before the completion of the NCI Bald Eagle Feasibility Study (the absence of the bald eagles was a contributing factor in golden eagles taking up residency on the NCI). At that time, the Trustees will consider any new information regarding the status of golden eagles and bald eagles on the Channel Islands and will re-examine any potential impacts to the Santa Catalina Island fox. However, for the purposes of this interim decision to suspend funding of the Santa Catalina Island Bald Eagle Program until the results of the NCI Bald Eagle Feasibility Study are known, the Service has determined that this action will not likely adversely affect the Santa Catalina Island fox.

4. Concerns about the nexus of seabird injuries to the Montrose case.

Though the Trustees did not attempt to prove injuries to seabirds in the Montrose trial, the final consent decree included seabirds as a target for restoration funds due to the injuries associated with DDT-related eggshell thinning. The Service closely evaluated the nexus for seabirds and

targeted restoration actions for those seabirds that demonstrated severe or significant eggshell thinning and/or for which DDT egg residues were significantly elevated in the colonies of the Southern California Bight. A complete description of the seabird nexus can be found in Section 5.1 of the EIS/EIR. Although seabirds might not be experiencing continued injury that is of a similar magnitude to that of the bald eagles on Santa Catalina Island, their populations were clearly impacted by DDT contamination in the Southern California Bight.

VI. IMPACTS, MITIGATION AND FINDINGS

The Selected Alternative was determined to have the following impacts. These impacts and mitigation measures were listed in Chapter 7 in the final EIS/R and detailed in Appendices A-C. Many of these impacts could be mitigated by avoiding, minimizing, rectifying, reducing or eliminating, or compensating for the impacts.

I. Fishing and Fish Habitat

1) Construct Artificial Reefs and Fishing Access Improvements

This action will require subsequent NEPA/CEQA environmental analysis when the project details are more fully developed.

Biological Effects

Direct Effects. This action will convert soft-bottom aquatic habitat to reef habitat. The reduction of soft-bottom habitat on the limited scale feasible under this restoration action, when compared to the predominant extent of such habitat throughout the region, will not significantly affect the total soft-bottom habitat available to those species that rely on it. The displacement of the sandy- or muddy-bottom habitat with hard-bottom substrate will increase the diversity and may increase the number of the animal and plant biota in the area. Unless care is exercised in siting artificial reefs, their construction can potentially impact the availability of other limited inshore habitat or resources, such as eelgrass beds, spawning areas for market squid, or important nursery areas for certain fish species such as California halibut.

Indirect Effects. To the extent that reefs constructed under the MSRP program function as production sites for rockfishes or other species that are currently depleted, the reefs may benefit the management and recovery of these depleted species of fish. Reef-associated fish typically contain lower concentrations of DDTs and PCBs than soft-bottom species, so constructed reefs benefit the biological organisms that prey on fish in the vicinity of the constructed reefs, as these organisms are likely to be exposed to reduced levels of these contaminants. It is possible that fishing pressure and thus fish mortality may increase in the vicinity of newly constructed reefs. Such an effect might also occur should improvements to fishing access and amenities be constructed under this restoration action and lead to increases in fishing trips to a particular site.

Mitigation Measures. The specific location of each constructed reef will be studied and selected such that the MSRP reefs avoid impacts to eelgrass beds or other nearshore soft-bottom areas that are currently important and contain limited habitat types. State and federal fisheries agencies will be consulted to ensure appropriate reef design, size, and placement, and to ensure that long-term management will accommodate anticipated increases in fishing and other uses of the reef site.

Physical Effects

Direct Effects. The placement of concrete or rock materials into marine waters will cause short-term suspension of sediments at the reef construction site that will result in short-term water

quality impacts. The principal effect will be increased turbidity; however, depending on local conditions, the sediments at the reef site might contain elevated contaminant levels.

Indirect Effects. To the extent that the material used to construct a reef is from the demolition of concrete structures, the beneficial reuse of this material will divert it from land disposal and conserve a corresponding increment of landfill space. There may be other trade-offs related to transportation and disposal of materials (such as reduced air quality impacts relative to land disposal).

Placement of reefs in nearshore areas has the potential to disrupt the normal transport of sediment and affect the topography of adjacent subtidal and beach areas. Also, depending on the nature of the soft substrate in a given area, the depth to bedrock, and the slope, the hard substrate dropped to the marine bottom could potentially not perform as intended.

Mitigation Measures. Adjustments to the methods and timing for reef material placement will be developed in consultation with regulatory agencies to address local conditions and reduce the potential short-term water quality impacts of the construction.

Once planning progresses to the stage in which site-specific studies are undertaken, the potential short-term physical impacts from placing rock or rubble in a given area will undergo engineering and water quality analysis, and additional evaluation will be performed to identify measures to minimize adverse effects.

Human Use Effects

Direct Effects. Artificial reef construction in areas where fish species contaminated by DDTs and PCBs will be displaced by less-contaminated species associated with hard-bottom and water-column habitats will have a direct benefit to anglers whose fishing has been impacted by fish consumption advisories.

Improvements to fishing access (e.g., the addition of various fishing site amenities, including pier extensions, fish-cleaning stations, benches, parking improvements, or other such actions) are not possible to evaluate at this stage as they are highly dependent on the specific details and local site characteristics. However, construction activities at fishing sites (e.g., construction improvements to piers, amenities such as fish-cleaning stations, parking, etc.) may cause short- term disruption to users of a site during the construction period.

Indirect Effects. Artificial reefs provide human use benefits beyond fishing, as they are also popular areas for scuba and free diving for purposes of recreation, hunting, and underwater photography. The human use benefits will be sustained for a period of decades or perhaps longer with minimal operational or maintenance costs.

Depending on their location, design, and depth, artificial reefs could have adverse impacts on various other types of human uses. Uses that could potentially be impacted by shallow reefs include body surfing or wind surfing and, possibly, navigation. Also, constructed reefs will displace soft-bottom species, and the anglers who favor catching these species at the site of a constructed reef will find it harder to catch these fish. Findings on these issues will be included in subsequent site-specific environmental documentation and provided to the public for review.

Mitigation Measures. The Trustees undertook a survey of recreational and subsistence anglers in 2002 and 2003, in part for the purpose of determining fishing preferences at fishing sites along the Los Angeles County and Orange County coastline. The data generated by this field intercept survey and follow-up public involvement activities will be used to select sites that minimize negative impacts to anglers who may be targeting soft-bottom fishes exclusively. The Trustees are also gathering chemistry data on fish contamination. Up-to-date fish contamination data

provide a means for optimizing the placement of constructed reefs with respect to prevailing contamination.

2) Provide Public Information to Restore Lost Fishing Services

Biological Effects

Direct Effects. This action will not have any direct biological effects.

Indirect Effects. Should the public information program lead to changes in fishing practices in the region, it is possible that fishing exploitation of certain contaminated species of fish will decrease and fishing for cleaner species of fish will increase. It is also possible that the public information program could lead to increased fishing exploitation of fish populations in the locations that the program identifies as having fish lower in contamination.

Mitigation Measures. The Trustees will consider both contamination levels and vulnerability to over-fishing as factors when providing fishing advice to anglers. Thus, the program will not advise anglers to target any species that is currently over-fished or at risk of future over-fishing due to population status or specific life-history characteristics that might make that species more vulnerable to over-fishing.

Physical Effects

This program will not have any direct or indirect effects on the physical environment.

Human Use Effects

Direct Effects. Because this project focuses on providing information that enables fishing rather than restricting fishing, no significant direct effects on human uses are anticipated.

Indirect Effects. Development of better data on fish contamination and improved dissemination of information on fish contamination (including the locations and species of fish that are safer for catching and consuming) should provide recreational benefits for anglers and could potentially lead to increased human uses of ocean fish resources. Minor impacts to aesthetics could occur if informational signs or kiosks are erected, depending on the design, size, and placement of the signs.

Mitigation Measures. The designs for the informational signs will be adopted from the previous designs developed and employed by the State of California and the county health departments in the study area. The signs will be placed in consultation with appropriate local authorities in such a way as to minimize any impacts to the aesthetics of the surrounding area.

3) Restore Full Tidal Exchange Wetlands

This action will require subsequent NEPA/CEQA environmental analysis when the project details are more fully developed.

Biological Effects

Direct and Indirect Effects. The biological consequences of restoration projects for Southern California coastal wetlands are largely beneficial given the historical losses of such habitats, their relative scarcity today, and their valuable ecological functions. Wetlands restoration requires careful planning, analysis, and consideration of the trade-offs between different and sometimes competing biological resources and uses.

Mitigation Measures. Appropriate mitigation measures will be identified once potential site(s) are identified and project details are more fully developed.

Physical Effects

Direct Effects. Depending on their location and design, wetlands may provide benefits to water quality. Restoration of full tidal exchange may also increase contributions of sediment from terrestrial watersheds into coastal areas.

Indirect Effects. Wetlands restoration could have several indirect physical effects, including hydrological consequences, the need to identify disposal requirements for dredged material, and impacts on roads and utilities.

Mitigation Measures. Appropriate mitigation measures will be identified once potential site(s) are identified and project details are more fully developed.

Human Use Effects

Direct and Indirect Effects. Wetlands provide numerous active and passive recreational use values, including birding, boating, fishing, and other uses. Wetlands restoration may also impact current recreational and other human uses of sites slated for restoration. Environmental effects on human uses will need to be analyzed at a later stage, when more site-specific information is available.

Mitigation Measures. None are identified at this time.

4) Augment Funds for Implementing Marine Protected Areas in California

Biological Effects

Direct Effects. MPAs are established for the purpose of restoring and/or preserving marine biological communities; therefore, increased funding to improve management and monitoring efforts for the Channel Islands MPAs will increase the beneficial biological effects for which the MPAs were established.

Indirect Effects. It is possible that the increased public awareness and enforcement of restrictions on the taking of biological organisms from within the boundaries of the Channel Island MPAs that might result from this action could redirect fishing efforts to other marine areas to a greater extent than do the current MPAs.

Mitigation Measures. Before providing funding to augment implementation of the Channel Islands MPAs, the Trustees will ensure that overall MPA monitoring efforts include adequate provisions for reviewing the effects of the MPAs on surrounding areas.

Physical Effects

This action will have no known direct or indirect effects on the physical environment.

Human Use Effects

Direct and Indirect Effects. Several potential benefits to human uses could result from improved effectiveness of the implementation of the Channel Island MPAs. Restoration of depleted resources within the boundaries of the reserves could provide recreational opportunities outside of the reserve. Although the MPAs generally prohibit the taking of biota within the MPA boundaries, effectively managed MPAs have the potential to lead to spillover of fish to adjacent areas and thus improve fishing use outside their boundaries.

Mitigation Measures. Before providing funding to augment implementation of the Channel Island MPAs, the Trustees will ensure that the Channel Island MPA Monitoring Plan provisions for socioeconomic impact studies are being implemented as planned.

II. Bald Eagles

Complete the NCI Bald Eagle Feasibility Study Before Deciding on Further Restoration Actions

This is an interim action that will require subsequent environmental analysis.

Biological Effects

Direct Effects. Individual bald eagles will be impacted by the restoration efforts. Eight of the 34 bald eagles released to date on Santa Cruz Island as part of the NCI Bald Eagle Feasibility Study have died from various causes. Overall, the survival rate of eagles released on the Northern Channel Islands appears to be within the normal range of both eagle survival in the wild and a reintroduction program. The loss of several individuals is not considered significant in light of the overall recovery of the bald eagle in the United States and the efforts to restore this species to the Channel Islands.

This course of action proposes to suspend funding of the Santa Catalina Island Bald Eagle Program after 2005 during the interim period until subsequent restoration decisions are made, in or around 2008. One potential outcome of stopping human intervention and allowing bald eagle nests to fail is that eagle pair bonds may break down and the birds may abandon the island. However, it is highly likely that bald eagles will remain on the island for several years despite their inability to hatch offspring naturally. Bald eagles in the wild typically live for 20 to 25 years, and Santa Catalina Island currently supports 15 to 20 birds of a wide range of ages. Currently, five bald eagle nesting territories are active on the island. Bald eagle experts do not expect that they will immediately break their pair bonds and abandon their Santa Catalina Island territories. Rather, it is likely that bald eagles will remain on the island, with their numbers diminishing gradually over a period of 10 years or longer as some of the birds die and are not replaced by others and as certain bald eagle pairs break their pair bonds and leave the island after several years of failing to produce chicks.

Indirect Effects. Bald eagles historically played an important role in the ecology of the Channel Islands by serving as both a top carnivore and a scavenger. Bald eagles prey primarily on fish taken live from the ocean; however, they also feed on seabirds and the carcasses of animals that wash up on shore. Restoration of bald eagles to the Channel Islands provides broad benefits to the island ecosystems.

The presence of bald eagles in the Northern Channel Islands may provide benefits to the endangered island foxes on San Miguel, Santa Rosa, and Santa Cruz Islands. The presence of territorial bald eagles on the Northern Channel Islands will complement other efforts in the recovery of the island fox if they deter golden eagles from inhabiting the islands.

As explained above, suspension of funding for the Santa Catalina Island Bald Eagle Program until the completion of the NCI Bald Eagle Feasibility Study is highly unlikely to result in the disappearance of bald eagles from Santa Catalina Island. Nevertheless, the Trustees have analyzed the potential indirect effects of a disappearance of bald eagles from Santa Catalina Island and have concluded that such a disappearance is not likely to adversely affect the endangered Santa Catalina island fox because the terrestrial prey base on the island is too small to support a golden eagle population.

The restoration of bald eagles on the Northern Channel Islands is not expected to result in significant impacts to seabird populations. Seabirds are not a principal component of bald eagle diets on Santa Catalina Island, and the same situation is expected to apply on the Northern Channel Islands.

Mitigation Measures. The methods for hacking and monitoring bald eagles are well established and designed such that potential impacts to birds are minimized. Measures such as supplementing prey for the juvenile eagles once they are released are part of the NCI Bald Eagle Feasibility Study and will be incorporated into future restoration efforts. Each individual bald eagle is also equipped with satellite telemetry equipment so that biologists can monitor any unusual behaviors.

Physical Effects

This action would have no known direct or indirect effects on the physical environment.

Human Use Effects

Direct and Indirect Effects. The presence of the bald eagle on the Channel Islands provides benefits to humans on many levels. The presence of bald eagles provides both aesthetic and recreational benefits to visitors. Also, the bald eagles inhabiting the Channel Islands, which are readily identified by their tags, range freely over great distances and have been sighted on the U.S. mainland, notably along the Southern California coast.

The bald eagle also plays an important role in the cultural history of the Channel Islands. The presence of bald eagles on the island therefore fills an important cultural as well as an ecological niche.

The suspension of funding for the Santa Catalina Island Bald Eagle Program may lead to a diminishing number of bald eagles on Santa Catalina Island during the applicable time period. Fewer bald eagles could result in a reduction in the human use benefits they provide, as there may be fewer occasions for viewing the eagles.

Mitigation Measures. The Trustees' placement of approximately 12 young birds per year on Santa Cruz Island since 2002 may offset the potential reduction in opportunities for viewing bald eagles should their numbers diminish on Santa Catalina Island during the intervening years before a decision is reached on further bald eagle restoration.

III. Peregrine Falcons

Monitor the Recovery of Peregrine Falcons on the Channel Islands

Biological Effects

Direct Effects. A monitoring program would not result in significant impacts to the biological environment. Peregrine falcon pairs may be temporarily disturbed during certain monitoring activities (e.g., entering the nest to collect eggshell fragments or band young); however, the majority of the observations would be from a distance and would not disturb peregrine falcons. The monitoring plan would also consider the presence of seabird nesting colonies and avoid and minimize any impacts to nesting areas during the monitoring efforts.

Indirect Effects. As top predators of their food chain, peregrine falcons are an excellent indicator species of the overall health of the ecosystem in which they live. The monitoring of this species would provide valuable information on the overall levels of contamination in the environment.

Mitigation Measures. Impacts from monitoring activities would be minimized through established survey techniques for peregrine falcons and avoidance of biologically sensitive areas, such as seabird colonies.

Physical Effects

This action would have no known direct or indirect effects on the physical environment.

Human Use Effects

This action would have no known direct or indirect effects on human uses.

IV. Seabirds

1) Restore Seabirds to San Miguel Island

This action will require subsequent NEPA/CEQA environmental analysis when the project details are more fully developed.

Biological Effects

Direct and Indirect Effects. The eradication of rats on San Miguel Island has a wide range of potential direct and indirect beneficial and adverse biological impacts; these impacts are more extensively described in Appendix D1. The potential benefits of rat eradication on San Miguel Island include: (1) increases in small crevice-nesting seabird populations, (2) decreased predation on ground-nesting seabirds, (3) protection of the important seabird colonies on Prince Island and Castle Rock from rat invasion, (4) a decrease in predation of some terrestrial and marine intertidal invertebrates, and (5) broad ecological benefits to the San Miguel Island ecosystem.

However, to eliminate rats from San Miguel Island, a highly efficacious rodenticide must be used to ensure complete eradication. Because there are no rat-specific toxicants, the use of a rodenticide to eradicate rats will pose a primary and secondary risk of poisoning to non-target species on San Miguel Island. Of particular concern are the potential impacts to non-target species, such as the endemic deer mouse and the endangered island fox. Studies will be initiated to evaluate the potential risk of poisoning to non-target species and to develop appropriate mitigation measures.

Mitigation Measures. The removal of the rats will be timed according to a set of biological conditions that maximize the probability of eradicating rats and minimize the potential impact to the San Miguel Island environment. This project will be designed and implemented in a manner that avoids, minimizes, and mitigates impacts to the natural environment on San Miguel Island. Comprehensive measures to avoid and mitigate any impacts from the project will be developed during the planning phase and addressed in subsequent environmental analysis. Particular emphasis will be given to the development of a comprehensive mitigation strategy for the island fox and deer mouse. Potential mitigation measures are outlined in Appendix D1.

Physical Effects

Direct and Indirect Effects. Generally, this action will have no known direct or indirect effects on the physical environment. Unintended temporary water quality impacts could result should some of the bait enter the marine environment.

Mitigation Measures. Specific measures will be developed and implemented to prevent bait from entering the marine environment or to minimize and carefully monitor the amount entering the marine environment.

Human Use Effects

Direct and Indirect Effects. Because rats pose health and safety hazards and can cause destruction to supplies and equipment, the eradication of rats will benefit visitors and National Park Service personnel on San Miguel Island. This action will improve health and safety standards at facilities on the island and will eliminate a potential source of disease. The removal of black rats from San Miguel Island is expected to have long-term health, safety, aesthetic, and recreational benefits and will remove a destructive nuisance to human habitation and use of the island. However, the removal of rats from the island may reduce the human use and non-use benefits to any members of the public who value the presence of this species on the island.

Mitigation Measures. To minimize the potential exposure of visitors, San Miguel Island will be closed for several days when the rodenticides are applied. Recreational activities such as camping and hiking will not be permitted during this time. However, due to the distance of San Miguel Island from the U.S. mainland and the annual visitation rate of less than 200 campers each year, the closure of the island will not have a significant impact on recreational and visitor activities.

Project workers will be educated to follow proper safety procedures and avoid contact with the bait. Monitoring will be used to ensure that the project workers follow the safety procedures.

3) Restore Alcids to Santa Barbara Island

Biological Effects

Direct Effects. Restoring native vegetation and placing nest boxes in appropriate locations on Santa Barbara Island will provide a favorable environment for both Cassin's auklets and Xantus's murrelets. The use of playback systems will further facilitate the recolonization of the Cassin's auklet on the island. These techniques should increase the number of breeding pairs of Cassin's auklets and Xantus's murrelets on the island, thereby increasing the number of offspring produced successfully.

This project is expected to have minimal short-term adverse biological impacts. Additional human activity will occur on Santa Barbara Island as a result of this project that could result in temporary displacement of native wildlife or the trampling of native plants.

Indirect Effects. The removal of exotic vegetation may include the use of herbicides, which could have short-term adverse impacts on non-target plants. Subsequent monitoring may temporarily disturb target species.

Mitigation Measures. The removal of exotic vegetation and the planting of native plants will be done during the non-breeding season to avoid impacts to nesting birds. Any herbicides will be applied in a way that avoids or minimizes adverse impacts and is in compliance with National Park Service policies and other applicable laws and regulations. The use of nest boxes will minimize adverse impacts to nesting alcids due to any disturbance during monitoring.

Physical Effects

There may be minimal short-term adverse impacts due to trampling and increased soil erosion.

Human Use Effects

This action will have no known impacts to human uses. Cultural resources will be avoided on the island during project implementation. It is expected that the nest boxes will be largely screened by vegetation and will not be visible to the public.

3) Restore Seabirds to San Nicolas Island

This potential action will require subsequent environmental analysis when the project details are more fully developed.

Biological Effects

Direct Effects. Eradication of introduced cats will provide long-term conservation benefits for Brandt's cormorants and western gulls by removing a non-native predator from the island ecosystem. The Service anticipates that this project will result in increased reproductive success for these species and therefore an expansion of these colonies. This project will contribute to the protection of these colonies.

This action could potentially affect the island fox due to its similarity in size to a feral cat and their similar diets. For example, island foxes could be caught in traps that are targeted for cats. Although some short-term impacts might occur to individual foxes, the fox population will likely benefit overall from the eradication of feral cats, as they are competitors for food resources and habitat. The eradication methodologies and potential impacts will be addressed fully in subsequent environmental documentation for the project.

Indirect Effects. In addition to benefiting seabirds, this project will also have collateral benefits to the island ecosystem. Sensitive species such as the island fox, endemic deer mouse, threatened island night lizard, and threatened snowy plover will likely benefit from reduced predation and competition. The removal of feral cats will also likely benefit both resident and migratory landbirds on San Nicolas Island.

Mitigation Measures. Before initiating this action, eradication methodologies will be investigated and employed in a manner that avoids and minimizes the potential for impacts to the non-target island fox.

Physical Effects

This action will have no known direct or indirect effects to the physical environment.

Human Use Effects

Direct Effects. The eradication of feral cats will help restore populations of native species on San Nicolas Island. Such restoration will provide aesthetic and recreational benefits to U.S. Navy personnel. Because the island has restricted access, this project will not likely provide aesthetic or recreational benefits to the general public. However, the removal of cats from the island may reduce the human use and non-use benefits to any members of the public who value the presence of this species on the island.

During the eradication program, certain areas may be closed or their use restricted for safety reasons. Such restrictions may limit recreational opportunities for U.S. Navy personnel. Although the action is designed to be an intensive effort over approximately 3 years, it will be compatible with the military use of the island.

Indirect Effects. This action will have no known indirect effects.

Mitigation Measures. Feral cat eradication efforts will be closely coordinated with the U.S. Navy, and the project will be developed in a manner that minimizes impacts on military and recreational activities on the island.

4) Restore Seabirds to Scorpion and Orizaba Rocks

Biological Effects

Direct Effects. Elimination of invasive plants and restoration of native plants will benefit burrow-nesting species by providing increased nesting habitat and stabilization of the rapidly eroding soil horizon on Scorpion Rock. By providing additional high-quality breeding habitat, this action seeks to increase the number of breeding seabirds on the rock, in particular Cassin's auklets, Xantus's murrelets, and ashy storm-petrels. The use of nest boxes will enhance suitable habitat for seabirds on both Scorpion and Orizaba Rocks, thereby increasing the number of offspring produced and decreasing mortality.

Reducing human disturbance will have a positive influence on the survival of California brown pelicans by reducing the energy expenditure associated with flushing and relocating due to human disturbance. In addition, reducing disturbance will protect nesting auklets and murrelets from harassment by trespassers.

This project is expected to have minimal short-term adverse effects. Some temporary disturbance to roosting seabirds may occur during the revegetation effort. Exotic vegetation will be removed using mechanical methods, thereby eliminating the need for herbicides. Mechanical removal may result in minimal short-term adverse impacts to surrounding native vegetation and soil.

Indirect Effects. Subsequent monitoring may result in temporary disturbance to seabirds.

Mitigation Measures. The removal of exotic vegetation and the planting of native plants will be done during the non-breeding season to avoid impacts to nesting birds. The use of matting will help minimize potential erosion and stabilize the soil. The use of nest boxes will greatly minimize impacts to nesting alcids.

Physical Effects

Mechanical removal of invasive plants may result in minimal short-term adverse impacts to surrounding soil.

Human Use Effects

This action will have no known effects on cultural resources, recreation, aesthetics, or transportation. Cultural resources will be avoided on the island during project implementation.

5) Restore Seabirds to Baja California Pacific Islands

Restoration actions for the Baja California Pacific islands will include using social attraction techniques (including decoys and vocalizations), improving nesting opportunities with artificial nests, restoring habitat, reducing human disturbance, shielding lights, and eradicating non-native species.

Though, under NEPA, the United States defers to the environmental review laws and processes of Mexico, the EIS/EIR discussed potential environmental impacts of these projects. The effects of individual projects are described in Appendix D5 and are summarized collectively below.

Biological Effects

Direct Effects. The restoration activities proposed for the Baja California Pacific islands will result in direct benefits to a suite of seabirds, including the Cassin's auklet, Brandt's cormorant, double-crested cormorant, California brown pelican, ashy storm-petrel, and Xantus's murrelet.

Social attraction efforts will facilitate the recolonization of seabirds on these islands after the removal of introduced species. These types of efforts will encourage seabirds to use suitable and historically occupied habitats. Once attracted to the island, seabirds will be further encouraged to nest in suitable habitat by the presence of nest boxes. The use of nest boxes will also allow biologists to monitor the success of the restoration efforts and minimize disturbance to nesting seabirds.

A reduction in human disturbance around the colonies will significantly benefit roosting and breeding seabirds.

The proposed activities have the potential to result in limited short-term impacts, including soil disturbance in the areas where nest boxes are used or short-term disturbance to seabirds during monitoring efforts. However, the proposed activities will not result in significant impacts to biological resources.

Indirect Effects. The increase in seabird populations that could result from this action will also likely benefit resident peregrine falcon pairs that prey on seabirds.

Mitigation Measures. The removal of exotic vegetation and the planting of native plants will be done during the non-breeding season to avoid impacts to nesting birds. The use of matting will

help minimize potential erosion and stabilize the soil. The use of nest boxes will minimize the impacts of monitoring activities on breeding seabirds.

Physical Effects

This action will have no direct or indirect effects on the physical environment.

Human Use Effects

Direct and Indirect Effects. The waters around the Baja California Pacific islands offer many recreational and economic opportunities. Seabird colonies are a valuable part of island ecosystems and provide economic benefits in the form of tourism.

This action proposes to limit direct human disturbance in seabird colonies. This action will likely impact people that either inhabit or illegally camp on the islands. However, this impact is not anticipated to be significant due to the small number of people that inhabit the islands.

The removal of non-native species may reduce the human use and non-use benefits to any members of the public who value the presence of this species on these islands.

Mitigation Measures. When this action involves limiting human activity around seabird colonies, alternate routes will be provided to accommodate human activities on the islands.

6) Create/Enhance/Protect California Brown Pelican Roost Habitat

This action will require subsequent environmental analysis when the project details are more fully developed.

Biological Effects

Direct Effects. Improvements in the existing network of communal roosts along the coast would have a positive influence on the energy budgets of pelicans by reducing the energy costs associated with: (1) commuting between prey locations and roosts, (2) flushing and relocating due to human disturbance, and (3) using suboptimal microclimates within roosts. The costs of migration would also be reduced by the increased availability, quality, and capacity of stopover sites. The expected population-level effects from improving the condition of individual birds are increased juvenile and adult survival and increased reproductive success for pelicans in California.

The environmental consequences of increased use of lagoons and other roosting areas by pelicans may include impacts on water quality if guano accumulation exceeds the circulation ability of the lagoon. However, in some locations brown pelican guano in the vicinity of roosts could provide a desirable source of nutrient enrichment and might enhance local food webs.

The negative aspects of pelican use of harbors for roosting include the: 1) increased risk of contact with environmental contaminants, 2) increased likelihood of injury due to scavenging (e.g., entanglement in fishing line or puncture from fishing hooks), 3) increased nutrient load that might enhance invasive species established in harbors and estuaries, and 4) development of nuisance issues. However, the project is not expected to result in major increases in pelican use of harbors.

Indirect Effects. Other bird species that occur in association with roosting pelicans are likely to benefit from the proposed roost projects. The restoration projects would inform and enrich the public through associated interpretation displays and would help foster an awareness and stewardship ethic that should result in reduced disturbance to roosting California brown pelicans and other coastal waterbirds at other locations.

Mitigation Measures. Specific mitigation measures would be developed and incorporated into project design as specific sites are selected and potential impacts are identified.

Physical Effects

Given the relatively small scale of physical construction envisioned under this conceptual action, and given that pelican roost site enhancements would be constructed on existing physical features or structures, no direct or indirect physical effects are anticipated. Further environmental analysis would be required should this action be selected for implementation.

Human Use Effects

Direct Effects. Public enjoyment of pelicans would be increased by projects that allow the public to view communal roosting groups without causing disturbance.

Pelican roost site creation projects, if not carefully designed, could lead to interference with human activities or potential liability situations. Some projects would likely require ongoing inspection and/or management oversight. This issue would be addressed in subsequent planning and environmental documentation.

Indirect Effects. Vegetation on any earthen islands that are created may need to be periodically controlled or removed.

Mitigation Measures. Pelican restoration projects would be designed to minimize impacts to recreational activities such as fishing, boating, and kayaking.

7) Implement an Entanglement Reduction and Outreach Program to Protect Seabird Populations

Biological Effects

Direct Effects. The use of signs and brochures would help promote public awareness of entanglement issues and thus reduce bird injuries and deaths. Seabirds that would benefit from this project include California brown pelicans, cormorants, and gulls. A successful outreach program would aid in the ongoing recovery of the endangered California brown pelican by reducing a source of injury and death to the species.

Indirect Effects. This program would provide information on the proper disposal of fishing line. A reduction in fishing line debris would provide benefits to other marine organisms currently impacted by waste fishing line.

Mitigation Measures. This action is not anticipated to have any adverse effects.

Physical Effects

A reduction in fishing line debris would improve the general quality of the marine environment.

Human Use Effects

Direct Effects. The proper handling and disposal of fishing line would result in improved health and safety, as discarded hooks can injure humans as well as wildlife. A reduction in seabird/angler interactions would result in improved recreation because hooking a seabird is a frustrating and unwelcome experience. The proper disposal of fishing line would also enhance the aesthetics of the fishing structure and its vicinity.

Indirect Effects. The design, size, and placement of program signs could have minor impacts to aesthetics.

Mitigation Measures. The signs would be placed in consultation with appropriate local authorities in such a way as to minimize any impacts to the aesthetics of the surrounding area.

8) Restore Ashy Storm-Petrels to Anacapa Island

Biological Effects

Direct Effects. With the recent removal of rats from Anacapa Island, high-quality breeding habitat is again available to crevice-nesting seabirds such as the ashy storm-petrel. The combination of social attraction and nest boxes will provide a favorable environment for the establishment of an ashy storm-petrel colony.

This project seeks to aid in the recovery of this rare and declining species. Given the limited range and overall small population size of the ashy storm-petrel, the establishment of additional secure breeding sites will be a significant benefit.

This action will have minimal short-term adverse biological impacts. The playback of tape-recorded vocalizations causes little disturbance or trauma to birds if the duration of the playback is kept within reasonable bounds. Localized soil disturbance will occur during nest box placement.

Indirect Effects. Human activity in the vicinity of the target locations may disturb other species of seabirds that may be nesting nearby.

Mitigation Measures. Researcher activity in the vicinity of nesting areas will be minimized to avoid destruction of the local habitat and disturbance. Storm-petrels are sensitive to disturbance, including that generated by researchers, especially during the incubation period. The project will be implemented in a manner that avoids impacts to nesting seabirds on Anacapa Island.

Physical Effects

This action will have no known direct or indirect effects on the physical environment.

Human Use Effects

A slight increase in human uses on Anacapa Island will occur during the implementation of the action, and this use may impact visitors' experience on the island. However, this use is expected to have minimal short-term adverse impacts.

Cumulative Impacts

Overall, the Montrose Settlements Restoration Program actions will result in a long-term net improvement in fish and wildlife habitat, increased populations of certain species. , restoration of ecological balance in areas where contamination and other human-caused disturbances have led to adverse impacts on sensitive native species, and improvement in the human use and non-use services provided by fish and wildlife in the region. Cumulative impact analysis is required to evaluate whether specific components of the MSRP actions, when considered in combination with other past, present, and future actions in the affected area, will have potentially significant adverse effects.

Finding – Based on the cumulative impacts analysis discussed at section 7.3 of the Restoration Plan, the Service finds these impacts to be potentially significant, depending on the type and extent of program implementation activities, supporting implementation of the mitigation measures mentioned above. The results of implementing such measures as identified in the final EIS/R, depending on method and placement, will provide for reduction in negative cumulative impacts, resulting in impacts at levels that are less than significant.

VII. PUBLIC INVOLVEMENT

This natural resource restoration planning process is guided by NEPA, California Environmental Quality Act (CEQA), and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) requirements, which require significant public involvement to support and direct the planning process.
Public involvement for the MSRP Final Restoration Plan and Programmatic EIS/EIR to date has included:

- Public meetings in 2001 and 2002 to discuss restoration planning.
- Publication of a Federal Register notice on October 9, 2001, establishing an official 45-day public scoping period, and of a Notice of Preparation in the California State Clearinghouse on March 15, 2002, establishing a second 30-day comment period.
- A second round of technical and public workshops in 2003 to encourage review of the MSRP's goals and objectives, to solicit restoration ideas, and to review screening criteria for the proposed projects.
- A 2003 public announcement distributed to the mailing list, further soliciting restoration ideas.
- Release of the draft MSRP Restoration Plan and Programmatic EIS/EIR for a 45-day comment period on April 8, 2005. During this time, four public meetings were held in affected locations to accept comments on the draft document.
- A Notice of Availability of the final EIS/R was published in the Federal Register on November 18, 2005 (70 FR 69967).

Difference Between the Draft and Final EIS/R

During the public comment period, the Trustees received many written comments, and accepted additional input at public meetings throughout the affected area. A copy of the written comments, as well as transcripts of public meetings and telephone comments, are included in the MSRP Administrative Record and can be found online at www.montroserestoration.gov.

The Trustees carefully considered public input in the development of their Preferred Alternative. Although the general outline of the overall program remained the same (including resource categories addressed and the allocation of funds to those resource categories), aspects of specific projects were modified. The more significant of these changes are described below.

Fish and Fish Habitat
No significant changes were made to the fish and fish habitat projects as described in the draft Restoration Plan.

Bald Eagle
In the draft version of the Restoration Plan, the Trustees originally proposed to focus all bald eagle restoration efforts on the Northern Channel Islands. If the NCI Feasibility Study showed that bald eagles could reproduce successfully, and without human intervention, the Trustees proposed to continue releasing and monitoring bald eagles on Santa Cruz Island with the goal of restoring breeding bald eagle pairs to all Northern Channel Islands. In the event that the NCI

Feasibility Study demonstrated that bald eagles on the Northern Channel Islands could not breed in a self-sustaining manner due to ongoing exposure to contaminants, this course of action did not include any future active bald eagle restoration efforts. Rather, the Trustees would fund periodic monitoring of bald eagle reproduction on the islands, with a small portion of funds retained for active restoration efforts (such as hacking) should the eagles begin breeding successfully in the future. The remainder of the funds was to be reallocated to seabird restoration projects. Regardless of the outcome of the Feasibility Study, the draft plan did not allocate additional funding to the Santa Catalina bald eagle program, due to the continuing high levels of contamination in bald eagles on Santa Catalina Island, and the unlikelihood that contamination levels will decrease in the near future.

The majority of the comments received during the public comment period focused on the Trustees' proposals regarding bald eagle restoration. Although comments both supported and criticized the Trustees' Preferred Alternative, it was clear that the public places a high value on the presence of bald eagles on the Channel Islands, whether or not the eagles are reproducing on their own. The Trustees have modified the bald eagle restoration provisions in the final Restoration Plan in response to this and other issues raised in public comments.

As a result of public comment, the Trustees have amended Alternative 2 and now reserve $6.2 million exclusively for bald eagle restoration on the Channel Islands. Funds will not be redistributed to seabird restoration projects, regardless of the outcome of the NCI Feasibility Study. In addition, the Trustees will defer making any longer-term decisions on bald eagle restoration until the results of the Feasibility Study are known (in or around 2008).

Once the results of the NCI Feasibility Study become available, the Trustees will re-evaluate all potential options for bald eagle restoration, including measures that may be taken even if bald eagles are not able to reproduce on their own anywhere in the Channel Islands. The Trustees will then release a subsequent NEPA/CEQA document for public review and input. The remaining bald eagle restoration funds could then be used on any of the Channel Islands, including Santa Catalina Island.

The updated bald eagle restoration provisions included in the Trustees' Preferred Alternative action conserve limited restoration funds until sufficient information is known on the ability of the environments on the different Channel Islands to support bald eagles.

Peregrine Falcons
No significant changes were made to the peregrine falcon project as described in the draft Restoration Plan.

Seabirds
Due to the changes related to bald eagle funding, the number of seabird projects included in the Trustees' Preferred Alternative has decreased from those outlined in the draft Restoration Plan. Two projects, Restore Seabirds to Baja California Pacific Islands (Guadalupe Island) and Restore Ashy storm-petrels to Anacapa Island, are no longer included in the Trustees' Preferred Alternative. However, should the seabird projects in the Preferred Alternative end up costing less than anticipated or become infeasible, the remaining seabird funds could still be used to fund those two projects.

EPA Comments on the Environmental Impact Statement

In its comments on the Final EIS, EPA Region 9 commended the Trustees for deferring the

decision regarding bald eagle restoration until after the NCI Feasibility Study results are known. However, EPA questioned whether the decision to cease the funding of the Catalina Island bald eagle nest manipulation program during the interim was consistent with the Trustees' continued funding of this program up to this point. The Trustees do not find it inconsistent with previous actions to cease the Catalina Island bald eagle program funding at this point, given the additional data now available on trends in contaminant levels in failed eggs and the absence of any natural hatching of chicks after the further passage of several years.

The EPA subsequently published a notice in the Federal Register on January 13, 2006, indicating no objection to the Trustees' proposed action.

Findings Required by Other Laws, Regulations and Management Direction

NEPA, 40 CFR Parts 1500-1508

NEPA requires the government to consider the consequences of major federal actions on human and natural aspects of the environment to minimize, where possible, adverse impacts. Equally important, NEPA establishes a process of environmental review and public notification for federal planning and decision making. The Trustees chose to prepare a programmatic EIS, due to the broad-reaching nature of the actions being proposed under the MSRP and the fact that some of the specific restoration actions and locations have yet to be determined at this time. The Trustees have integrated CERCLA restoration planning with the NEPA process to comply, in part, with those requirements. This integrated approach allows the Trustees to meet the public involvement requirement of CERCLA and NEPA concurrently.

Clean Water Act, 33 U.S.C. 1251, et seq.

The Trustees anticipate that artificial reef construction, fishing access improvements, wetlands restoration actions, and potentially other actions such as brown pelican roost creation or enhancement will require permits under the Clean Water Act; the implementing agency for each project will apply for these permits as appropriate after sufficient site-specific information is developed.

Endangered Species Act, 16 U.S.C. 1531, et seq.

Multiple threatened and endangered species occur in the study area for this Restoration Plan. Several of the preferred projects target restoration of federally listed species, including the endangered California brown pelican and the threatened bald eagle. Other listed species, such as the endangered island fox, may be affected by proposed projects. For each project that is selected as preferred in the final Restoration Plan/EIS/EIR, the Trustees will evaluate the potential effects of the project on listed species and critical habitat. Based on this analysis, the Trustees will perform the appropriate level of consultation with the USFWS and/or NOAA Fisheries pursuant to Section 7 of the ESA.

Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801, et seq.

None of the projects for which this programmatic EIS/EIR represents final environmental review have the potential to affect an Essential Fish Habitat. For other projects requiring subsequent analysis and having the potential to affect Essential Fish Habitat, the Trustees will consult with appropriate NOAA officials after sufficient site-specific information is developed.

Executive Order 11988 (Floodplains)

None of the projects for which this programmatic EIS/EIR represents final environmental review will occur in a floodplain. For other projects requiring subsequent analysis and having the potential to occur in a floodplain (e.g., wetland restoration), the Trustees will consult with appropriate officials after sufficient site-specific information is developed.

Executive Order 12898 (Environmental Justice)

The Trustees have concluded that there are no low-income or ethnic minority communities that would be adversely affected by the MSRP. Rather, MSRP actions that would restore fishing services would benefit subsistence fishers and in concert with the EPA's institutional controls program, would reduce exposures to contaminated fish that may currently be disproportionately affecting minority and low-income populations. Environmental Justice further requires federal agencies to provide opportunities for community input in the NEPA process. The Trustees will make every effort to involve the affected community by providing notice to members of the public and access to related documents.

VIII. IMPLEMENTATION

Implementation of this document may not occur sooner than 30 days after the date of the Notice of Availability for the final EIS/EIR for the Montrose Settlements Restoration Program is published in the Federal Register.

IX. CONCLUSION

Through the EIS/EIR, and as documented in this ROD, the Service has analyzed project alternatives, associated environmental impacts, and extent to which the impacts could be mitigated, and has considered the objectives of the proposed action. The Service has also considered public and agency comments received during the EIS review periods. In balancing the analysis and public interest, the Service has decided to implement the Trustee Council's Preferred Alternative. The Service also concludes that all practical means to avoid, minimize, or compensate for environmental harm from the proposed action have been adopted. The National Environmental Policy Act of 1969, as amended and its implementing regulations (40 CFR 1500-1508) formed the basis for analysis and preparation of the final EIS/EIR for the Montrose Settlements Restoration Program. The requirements of NEPA have been satisfied.

X. CONTACT PERSON

For additional information concerning the specific activities authorized under this decision, contact Dr. James Haas, U.S. Fish and Wildife Service, 2800 Cottage way, Suite W-2606, Sacramento, California 95825, (916-414-6600).

Steve Thompson, Manager
California-Nevada Operations Office
U.S. Fish and Wildlife Service

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Date