MONTROSE SETTLEMENTS RESTORATION PROGRAM

Natural Resource Trustees

National Oceanic and Atmospheric Administration
U.S. Fish and Wildlife Service
National Park Service
California Department of Fish and Game
California Department of Parks and Recreation
California State Lands Commission

Public Scoping Document for the Preparation of a Restoration Plan and Programmatic Environmental Impact Statement /Environmental Impact Report

August 24, 2001

I. INTRODUCTION

The Natural Resource Trustees for the Montrose Settlements Restoration Program (MSRP) are developing a restoration plan and programmatic environmental impact statement /environmental impact report (RP/EIS) to restore natural resources injured by DDTs and PCBs in the Southern California Bight, including the Channel Islands National Park. Through this public scoping process, the public is encouraged to review the Trustees' initial concepts for restoration and provide the Trustees with comments, concerns, and ideas for restoration projects.

Part I of this document provides background on the legal claim and settlement, including information on the natural resource injuries at issue in the case. Part II describes the restoration planning process, including factors to be considered in evaluating alternative restoration projects. Part III describes data gathering activities. Part IV describes the categories of potential restoration projects under consideration at this stage. Part V describes the public participation process and provides information on how to submit comments. As restoration planning progresses, the public will have many additional opportunities to review and comment on the restoration process.

The MSRP Trustees are the National Oceanic and Atmospheric Administration, the U.S. Fish and Wildlife Service, the National Park Service, the California Department of Fish and Game, the California State Lands Commission, and the California Department of Parks and Recreation. The Trustees will prepare the RP/EIS pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the National Environment Policy Act (NEPA), the California Environmental Quality Act (CEQA), and other applicable laws.

Description

From the late 1940's to the early 1970's, Los Angeles area industries discharged approximately 1,800 metric tons of DDTs and PCBs into ocean waters off the Southern California coast. Almost all of the DDT originated from the Montrose Chemical Corporation's manufacturing plant in Torrance, CA, and was discharged into Los Angeles County sewers that empty into the Pacific Ocean at White Point, on the Palos Verdes shelf. Montrose also dumped hundreds of tons of DDT-contaminated waste into the ocean near Santa Catalina Island. Additionally, large quantities of PCBs (polychlorinated biphenyls) from numerous sources throughout the L.A. basin were released into ocean waters through the Los Angeles County sewer system.

In 1990, the U.S. Department of Justice and the California Attorney General filed a lawsuit under CERCLA, alleging that a number of defendants were responsible for releasing hazardous substances into the environment, specifically

naming DDTs and PCBs. The lawsuit charged that the DDTs and PCBs injured natural resources, including fish and wildlife that live in and around coastal waters in Southern California.

In 1992 and 1993, surveys by the United States Geological Survey (Lee 1994) found more than 100 metric tons (110 US tons) of DDTs and 10 metric tons (11 US tons) of PCBs remained in the sediments on the ocean bottom of the Palos Verdes Shelf. The highest concentrations of DDTs and PCBs were near the mouth of the White Point sewer outfall, at water depths from 40 to 80 m (130 - 260 ft) deep. Surveys by the Southern California Bight 1994 Pilot Project (Schiff & Gossett, 1998) showed that elevated concentrations of DDTs and PCBs in bottom sediments extended from the Palos Verdes Shelf and into Santa Monica Bay.

Unless noted otherwise, the terms "injuries," "DDTs" and "PCBs" in this document refer to the specific injuries, DDTs and PCBs at issue in the Montrose legal case.

Injuries to Natural Resources

Numerous independent studies have shown that DDTs and PCBs still contaminate marine life and birds in Southern California at harmful levels. In the Montrose litigation, the Trustees carefully evaluated the evidence of injury to a number of resources. Based on this evaluation, the Trustees narrowed their claim to focus on those injuries that appeared to be continuing, specifically (1) reproductive problems in bald eagles and peregrine falcons; and (2) PCB/DDT contamination of fish that resulted in a commercial fishing ban and fish consumption advisories. While the Trustees recognized that DDT had injured a variety of other species such as brown pelicans and double-crested cormorants in the past, the priority was to focus the case and subsequent restoration on those injuries that were proven to be continuing.

DDTs and PCBs are slow to break down, and they bioaccumulate and become more concentrated in animals at higher levels in the food web. When feeding on prey contaminated with DDTs and PCBs, animals at the top of the food web, such as bald eagles and peregrine falcons, can accumulate injurious concentrations of these chemicals. DDTs in particular cause these birds to produce eggs with shells that are so thin that they allow developing embryos to dry out, or they break when the adults sit on them during incubation.

Birds

Bald eagles were a resident breeding species on all of the California Channel Islands from before the turn of the century until at least the 1930's (Kiff 1980). Kiff (2000) reports evidence that bald eagles nested on Santa Catalina, Anacapa, Santa Cruz, and Santa Rosa Islands, and probably San Nicolas Island, until at least the 1950's. Ornithologists and egg collectors reported bald eagles as a common species on the northern Channel Islands from the late 1800s through the 1930s. From the late 1800's to 1960, active or remnant nests of bald eagles were reported at a minimum of 35 different locations on the islands, making the Channel Islands a stronghold for this species in Southern California (Kiff 2000). The last confirmed nesting of an eagle on the Channel Islands was in 1947 (Kiff 1980). By the early 1960s, bald eagles had disappeared from all of the Channel Islands. Reintroduction efforts initiated in the early 1980's have resulted in breeding bald eagles on only 1 of 8 Channel Islands where they historically nested, and hatching success of the eagles is low.

The Peregrine is one of five falcon species that occur in California. Peregrine falcons in California prey almost exclusively on birds of aquatic and terrestrial ecosystems. Peregrines were relatively common throughout California in the early 1900s and were part of Native American history and culture. Kiff (1980) presents evidence for 15 documented pairs of peregrines on the California Channel Islands during the first half of the century and suggests a resident population of at least 20 pairs.

As mentioned above, DDTs cause reproductive problems in birds, including peregrines. Peregrines declined dramatically in North America following the application of DDT beginning in the 1940s. Only two breeding pairs were found in California in 1970, where formerly there had been hundreds of known pairs (Kiff, 1980). The Channel Islands population, historically 15-20 pairs of birds, was eliminated between the mid-1940s and the early 1960s (Kiff 2000).

In the mid 1980s efforts were initiated to reintroduce peregrine falcons to the northern Channel Islands. These efforts have increased the pairs of peregrine falcons on the Channel Islands, but they have not recovered to historic levels.

Fishing

Many common sports fish caught from the ocean in the L.A. area (approximately 50 species in eight groups) have levels of DDTs that exceed the State of California trigger level (0.1 ppm wet weight). A number of these sports fish also have concentrations of PCBs that exceed State of California trigger levels. Consequently, the State of California has issued health advisories warning to limit or avoid consumption of these fish at certain coastal locations of Los Angeles and Orange Counties. In addition, because of high levels of DDTs and PCBs in white croaker, the State has imposed bag limits for this fish and has banned commercial fishing for white croaker in the vicinity of the Palos Verdes Shelf.
By present estimates, DDTs and PCBs will continue to contaminate marine resources and birds in Southern California for decades. If instituted, cleanup options under evaluation by the U.S. Environmental Protection Agency would reduce the severity of DDT and PCB contamination in the local ecosystem; however, at present, it appears not to be feasible to clean up all of the area contaminated with DDTs and PCBs, so some resources will continue to be injured.

Settlements

The state and federal governments have settled the final remaining legal claims brought in 1990 against a number of defendants for releasing thousands of tons of DDTs and PCBs into the coastal waters off Los Angeles. $140 million in damages has been paid under four separate settlement agreements. As required under CERCLA, the Trustees will use approximately $30 million to restore natural resources harmed by releases of DDTs and PCBs off the coast of Southern California.

In addition to the Trustees' natural resource restoration efforts, the U.S. Environmental Protection Agency and the California Department of Toxic Substances Control will use a part of the settlement funds to reduce ongoing exposure to DDTs and PCBs. For example, these agencies are considering covering the contaminated sediments with clean sediments, and conducting additional efforts to reduce public consumption and prevent commercial catch of contaminated fish. (More information on these agencies' activities in this regard may be found by contacting EPA at (800) 231-3075, or at www.epa.gov/region09/features/pvshelf.)

II. THE RESTORATION PLANNING PROCESS

The restoration planning process is aimed at developing a strategy for restoring habitats, species, and natural resource services that are lost or impaired as a result of the releases of the DDTs and PCBs at issue in this case.

The restoration plan will identify among other things (1) a range of restoration alternatives, (2) the relative effectiveness of alternative actions in achieving restoration goals using criteria developed for evaluating the alternatives, and (3) the estimated costs of alternatives. Tasks associated with the restoration planning process may include the following:

- Developing restoration goals,
- Identifying performance criteria to measure the effectiveness of restoration projects,
- Identifying potentially suitable types of restoration projects and sites,
- Gathering data to refine our understanding of current contaminant exposures (degree, pathways, and geographical distribution) to support the selection and design of restoration alternatives,
- Gathering data to refine our understanding of the likely benefits that would be generated by the various restoration options,
- Conducting initial studies to evaluate the feasibility of potential types of restoration projects,

- Identifying contingency processes should a project not achieve its performance criteria or goals,

- Estimating costs of each potential type of project, and

- Developing monitoring plans to evaluate whether projects meet their identified performance criteria or goals.

This scoping phase is the first step in the restoration planning process. The purpose of scoping is to involve the public in the identification of significant issues and environmental impacts related to the proposed actions to be analyzed in the RP/EIS, as well as any reasonable alternatives to be addressed. This document describes possible restoration alternatives the Trustees currently plan to evaluate, invites public participation in the scoping process for preparing the RP/EIS, and identifies where the public may direct questions and comments.

Criteria

CERCLA requires the Trustees' to use the Montrose case settlement funds for restoring, replacing, rehabilitating, and/or acquiring the equivalent of natural resources injured and services lost as a result of the DDTs and PCBs at issue in the settlement agreements. As described in Part I, the injuries and lost services in this case are reproductive problems in bald eagles and peregrine falcons, and PCB/DDT contamination of fish that results in fish consumption advisories and a commercial fishing ban. In allocating these funds, the Trustees will give highest priority to projects that most directly and effectively restore these same types of natural resources and services.

The Trustees have compiled the following initial set of criteria for analyzing potential restoration projects for this case.

- Nexus to Injured Resources – As described above, restoration efforts of the MSRP are directed at projects that restore, rehabilitate, replace, enhance or acquire the equivalent of the resources and services impacted by the release of DDTs and PCBs.

- Feasibility - Based on past experience or studies, the restoration projects must be technically and procedurally sound.

- No Duplicate or Replacement Funding - The Trustees will not fund projects that are already going to be funded or accomplished by other means or should be funded by more appropriate sources.

- Legality - The projects must comply with all applicable laws.

- Likelihood of Success – Projects will be evaluated for their potential for success, including the level of expected return of resources and resource services. Performance criteria of projects will have to be clear and measurable.

- Cost Effectiveness – The projects will be evaluated by considering the relationship of expected project costs to the expected resource/service benefits from each project alternative.

- Multiple Resource Benefits – Benefits can be increased if proposed projects benefit more than one natural resource or resource service.

- Duration of Benefits – As described previously, contamination by DDTs and PCBs is expected to continue for decades. Long-term benefits are the objective of these projects, and the Trustees will evaluate project alternatives according to their expected duration of benefits.

- Public Health and Safety – Possibility that a proposed alternative would create a threat to the health and safety of the public will be part of the evaluation process.
- Likelihood of Adverse Impacts – Evaluation of projects will include examination of potential adverse impacts on the environment and the associated natural resources.

- Opportunities for Collaboration – Cost effectiveness can be enhanced by matching funds, in-kind services, or volunteer assistance as well as coordination with on-going or proposed projects.

Scientific Expertise

Restoration of natural resources will require planning, data collection, feasibility studies, monitoring, and other work of a complex and specialized nature. To ensure that this work is appropriate, effective, and meets high standards of scientific quality, the Trustees will seek out reviews and input from outside experts in relevant areas of knowledge. Experts will be identified from government, universities, research institutes, and the private sector. These experts shall be called together at various stages in the development of studies and projects to provide critical analysis.

Administrative Record

The Trustees have opened an Administrative Record (Record) of restoration activities. The Record will include documents relied upon by the Trustees during the restoration planning performed in connection with the release of DDTs and PCBs in the Southern California Bight.

The Record is on file at 501 W. Ocean Blvd., Long Beach, CA 90802. Arrangements may be made to review the Record by contacting Kolleen Bannon at 501 W. Ocean Blvd., Suite 4470, Long Beach, CA 90802 or by calling her at 562-980-4078.

III. ONGOING INVESTIGATIONS FOR RESTORATION PLANNING

The Trustees are currently initiating two studies to gather additional information that will ultimately be needed to make informed decisions on specific restoration actions.

Feasibility Study to Re-establish Bald Eagles to the Channel Islands

The Trustees plan to study the feasibility of recolonizing the Northern Channel Islands with bald eagles under current levels of DDTs contamination. The results of this feasibility study will be used to provide guidance in developing a long-term approach to the restoration of bald eagles to the Channel Islands.

The Trustees propose to release captive-bred or translocated wild nestling bald eagles on Santa Cruz Island using previously developed techniques, and to monitor contaminants in the released birds to determine levels of DDTs. In addition, study and analysis of eagle prey items may be included to evaluate sources of DDTs from their diet. This type of study is needed because efforts to model DDT levels in bald eagles have not resolved uncertainty over whether these birds would breed successfully if reintroduced to the northern Channel Islands.

The process of developing the feasibility study will include careful examination and consideration of any collateral impacts on other biota. As project specifics develop, the Trustees will present these for further public review.

Evaluation of Contaminant Levels in Sports and Commercial Fish

The Trustees, in collaboration with other agencies, plan to survey the geographic patterns of DDT and PCB contamination in common sports and commercial fish along the coast of Southern California. The data will be used for planning to create better fishing environments and to inform the public about fish and fishing locations with low levels of contamination. The public will be informed of the progress and outcomes of this study through periodic fact sheets and updates on the MSRP web site (www.darcnw.noaa.gov/montrose/htm).

IV. CATEGORIES OF POTENTIAL RESTORATION PROJECTS (projects are not listed in order of priority)

The Trustees intend to develop and present to the public a draft restoration plan and programmatic EIS in 2002. The alternative projects will be described in the plan on a conceptual level since the plan is being prepared prior to the completion of detailed studies needed to design specific projects. At a later stage in the restoration process, after more detailed information is developed, public involvement will once again be sought through the preparation of supplemental environmental documentation and additional public comment periods.

Currently, the Trustees have identified six categories of restoration projects to be developed further in the draft RP/EIS. Through the scoping process, the Trustees are seeking public

comment on these project concepts. The Trustees are also seeking input on any other categories of restoration projects not already included here that the public believes may fulfill the restoration objectives identified for this case.

The Trustees will evaluate whether each project proposed satisfies the fundamental requirement restoration actions must meet in the Montrose case, i.e. that they restore, replace, rehabilitate, and/or acquire the equivalent of the natural resources injured and services lost as a result of the DDTs and PCBs at issue. (Natural resource "services" are the functions a resource performs for the benefit of another natural resource and/or for the benefit of the public.) The highest priority will go to projects that most directly and effectively restore the natural resources still being harmed by the DDTs and PCBs. Thus, the Trustees will focus restoration efforts on the bald eagles, peregrine falcons, and fishing resources still being affected by these contaminants. Projects that only indirectly address the injuries to these resources, or that address injuries to other resources that were not the focus of the government's case, will receive secondary priority.

For example, to receive highest consideration, potential projects should directly and effectively restore opportunities for local anglers to catch cleaner fish, return viable populations of bald eagles and peregrine falcons to the Channel Islands, provide cleaner or more abundant prey for local bald eagles and peregrine falcons, or in other ways provide natural resource services of the same type and quality as those being lost.

The Trustees' evaluations of which alternatives to develop will also carefully consider the criteria in Part II, including the feasibility and collateral impacts of projects, such as potential adverse impacts on other biota, impacts on physical processes along the coast, and impacts on other human uses of the marine environment.

The six categories of restoration projects identified at this point by the Trustees are:

1. *Continued reintroduction of bald eagles to Santa Catalina Island;*
2. *Expansion of efforts to reintroduce bald eagles to all the Northern Channel Islands;*
3. *Restoration of peregrine falcons on the Channel Islands;*
4. *Cleaner fish for anglers: projects to restore fishing injured by DDTs and PCBs;*
5. *Wetlands and estuarine projects to benefit resources injured in the Montrose case;*
6. *Seabird Projects.*

Further information on these categories of projects follows.

1. Continued reintroduction of bald eagles to Santa Catalina Island

In 1980, the U.S. Fish and Wildlife Service and the Institute for Wildlife Studies, with the cooperation of the California Department of Fish and Game and the Santa Catalina Island Conservancy, initiated a program to reintroduce bald eagles to Catalina Island. Between 1980 and 1986, 33 eagles were placed in three different artificial nest or hacking platforms on Catalina Island (Garcelon 1988). The first eggs were laid in 1987, but broke soon after they were laid. Subsequent contaminant analysis of egg remains revealed DDE (a metabolite of DDT) levels sufficient to cause complete reproductive failure (Garcelon et al 1989,1997).

From 1989 to 2000, 28 chicks have been fostered into nests on Catalina Island, three healthy eggs placed in nests have hatched and three chicks successfully reared and an additional 16 eagles have been released through hacking techniques. Without continued human intervention, bald eagles would not be able to successfully reproduce on Catalina Island.

The trustees are currently developing a long- term restoration plan for the eagles on Catalina Island. Elements of this plan may include continued manipulation of eggs and chicks at each nest site and additional hacking of birds onto the island. As project specifics develop, the Trustees will present these for further public review.

2. Expansion of efforts to reintroduce bald eagles to all the Northern Channel Islands

The results of the feasibility study will be used by the Trustees to evaluate whether to proceed with a full-scale reintroduction program to additional islands in the Channel Islands National Park or other Channel Islands where they historically bred, and aid in the development of plans for such a program. Potential activities of this program would include releasing additional bald eagles with the hope to establish breeding sites on several of the Northern Channel Islands. As project specifics develop, the Trustees will present these for further public review.

3. Restoration of Peregrine Falcons to the Channel Islands

The intent of this proposed restoration project would be to restore a stable and healthy population of peregrine falcons throughout the Channel Islands including the southern islands. The proposed restoration project would involve the reintroduction of additional birds to all of the Channel Islands. An intensive monitoring effort would also be included in the project to determine the success of the restoration effort and to document any future impacts due to pesticides on the recovering population. As project specifics develop, the Trustees will present these for further public review.

4. Cleaner fish for anglers: projects to restore fishing injured by DDTs and PCBs

As described in the "Injuries" section, certain species of common sports fish at various locations along the shorelines of Los Angeles and Orange Counties have concentrations of DDTs and PCBs that make these fish unsafe to eat. Because cleanup projects are not expected to entirely eliminate contamination problems in all species of sports fish, some fish consumption advisories will probably continue for decades. To address this remaining DDT/PCB injury to fishing, the Trustees will develop restoration projects that will provide anglers with alternative sources of low contaminant fish for a number of decades.

The levels of DDT and PCB contamination in coastal sports fish depend on where the fish live and what they eat. Local fish accumulate most of their DDTs and PCBs from their food. The most highly contaminated sports fish live most of the time near the highly contaminated sediments around the White Point sewage outfall on the Palos Verdes Shelf and eat contaminated organisms living in the contaminated sediments. In contrast, the least contaminated fish swim over large areas and mainly feed on other free swimming organisms—these fish do not spend most of their time in the White Point area and do not feed heavily on prey living in the contaminated mud.

The most highly contaminated species of fish commonly caught by local anglers is the white croaker. This fish resides in contaminated areas where it feeds on worms, crustaceans and other organisms living in the contaminated bottom sediments. Anglers fishing from piers, jetties, and small boats often catch white croaker. Fishing statistics show that white croaker is the third most commonly caught fish in Los Angeles County (RecFIN 2001). The State has issued advisories not to eat any white croaker caught at specified locations near the Palos Verdes Peninsula (for a complete listing of these advisories, call (916) 324-7572 or visit www.oehha.ca.gov/fish/general/99fish_part2.html).

The moderately contaminated fish are those living in rocky habitats near the White Point outfall, such as "sculpin" (California scorpion fish), kelp bass and surf perches. Although they live near the highly contaminated bottom sediments, these fish do not feed heavily on mud dwelling organisms. Consequently, these fish are less contaminated than white croaker (in the Palos Verdes area they have high enough levels of DDTs and PCBs that the State has advised anglers to limit consumption of these fishes to only one or two meals per month). In other rocky areas, away from the Palos Verdes Peninsula, these fish have low levels of contamination and are not part of the fish consumption advisories.

The least contaminated fish are the pelagic fish - fish such as mackerel, barracuda and bonito that do not reside full time in the contaminated area and do not feed primarily on mud-dwelling

organisms. Concentrations of DDTs and PCBs in almost all these pelagic fish are below the State trigger levels, and no consumption advisories exist for any pelagic species.

Two projects are being considered that directly address the goal of providing cleaner fish for anglers:

4A. Changing underwater habitat around piers and other easily accessible fishing locations to displace highly contaminated species of sports fish while increasing the availability cleaner sports fish

Since the Trustees do not have a way to entirely eliminate contamination of local sports fish, the Trustees are considering restoration projects that will, instead, increase the abundance and availability of cleaner fish at easily accessible fishing locations. In addition, these projects would displace highly contaminated fish, such as white croaker. These restoration projects will have to provide sustainable fishing for sizes and species of fish that would satisfy anglers' requirements for acceptable fishing.

One way to do this is to modify the habitats for fish at easily accessible locations for fishing, such as piers, jetties, and other nearshore locations. Surveys of fish in different habitats indicate that white croaker frequents sandy and muddy areas, but avoids rocky habitats. In contrast, less contaminated species of fish, such as rockfish, are most abundant in rocky areas, including kelp beds. The Trustees will examine the feasibility of placing rocky habitat, including kelp habitat, in sandy/muddy areas where anglers now catch large amounts of white croaker.

Examples of such projects are constructed reefs, which have been used widely and successfully to increase the local abundances of sports fish. There is some controversy as to whether constructed reefs actually increase the production and overall populations of fish or merely attract fish; however, Ambrose (1994) provides evidence that the production of fish on relatively large constructed reefs in Southern California is about nine times greater than on adjacent sand habitat. Regardless of whether providing more fish by production or attraction, constructed rocky habitat could serve the purpose of providing local anglers with a greater availability of cleaner fish (Ambrose 2000).

Other methods, such as "fish aggregation devices" also exist to make desirable fish more available to anglers. The Trustees will examine and evaluate all available methods that would serve the double purpose of decreasing the availability of highly contaminated sports fish while also increasing the availability of clean sports fish. As specific projects emerge as promising for restoring local fishing, the Trustees will present these projects to the public for further review.

4B. Collaboration with other State and Federal agencies to develop multi-cultural projects that will inform anglers which fish and fishing locations have low levels of contamination.

Effective public education is one of the most immediate actions the Trustees can take to help anglers find and catch cleaner fish. To do this, the public needs information about contaminants in fish and fishing locations that is accurate, up-to-date, readily available, and easy to understand. Overall, this is the joint responsibility of various Federal, State, and local agencies, some of which are primarily responsible for protecting the public from exposure to contaminants in fish, others of which are primarily responsible for maintaining fishing resources for public use and enjoyment.

In collaboration with other State, Federal, and local agencies, the Trustees are examining ways to conduct long-term, multi-cultural education campaigns so anglers will have the information they need to choose the safest species of fish to eat and the best locations to catch these fish.

5. Wetlands and estuarine projects to benefit resources injured in the Montrose case

The Trustees will evaluate projects creating or enhancing habitats in estuaries and coastal wetlands as restoration to address the injuries caused by DDTs and PCBs in the Montrose case.

Coastal wetlands and estuarine habitats are spawning grounds and nurseries for certain sports fish, and they produce sources of food that contribute to the productivity of coastal sports

fish populations. Coastal wetlands and estuaries may also benefit the injured populations of bald eagles and peregrine falcons by increasing productivity of potential prey species.

Coastal wetlands in Southern California have been extensively destroyed and degraded; consequently, there is a widespread and well-documented need for creating and improving wetlands to benefit the larger coastal ecosystem. However, the benefits provided by wetlands and estuaries restoration projects vary among sites and depend on many factors. The Trustees' evaluation of such projects will focus on the extent to which they can directly and effectively provide cleaner fish to local anglers and cleaner or more abundant prey for local bald eagles and peregrine falcons.

6. Seabird projects

As stated above, the Montrose litigation and settlements were focused on those injuries that appeared to be continuing. The Trustees recognize that a variety of other species such as brown pelicans and double-crested cormorants were severely affected by DDT in the past. Substantial seabird populations occur in the Southern California Bight, including breeding and non-breeding birds.
Since these populations have declined from historical numbers, they provide an opportunity for restoration projects. Efforts to enhance the populations of marine birds in the SCB could also benefit reintroduced bald eagles and peregrine falcons by providing prey that may contain lower contaminant levels than other food sources such as carcasses of marine mammals. The Trustees may explore methods to enhance the populations of seabirds through the development of innovative restoration concepts, such as reducing anthropogenic impacts and other factors that adversely affect the seabirds' survival.

V. PUBLIC PARTICIPATION ACTIVITIES

The Trustees recognize that public participation in the restoration planning process is both desirable and necessary, and that regular communication with the public is an important part of preparing and implementing the restoration plan. The goals of this public scoping process are to:

- Involve the public in the development of the restoration plan,
- Identify issues of concern to the public related to the restoration plan,
- Solicit the public's involvement in identifying projects that best restore the resources injured by the DDTs and PCBs released by the Montrose case defendants, and
- Keep the public informed of restoration developments and progress.

The Trustees will hold public meetings/ workshops in the fall of 2001 to provide further opportunities for public comments on the scope of the restoration plan. Two meetings have been scheduled thus far:

- **Saturday, October 13, 2001**, 3:30 PM, at the Channel Islands National Park Headquarters, 1901 Spinnaker Drive, Ventura, CA 93001.
- **Sunday, October 21, 2001**, at the Cabrillo Sea Fair, Cabrillo Aquarium, 3720 Stephen White Drive, San Pedro, CA 90731.

Further information on these and other public meetings the Trustees arrange will be distributed to those on our mailing list, and will be announced on our web site and through press releases.

Types of Public Participation Opportunities

Responsibility for conducting public participation activities lies with the Trustee Council, and will be conducted by the staff of the Montrose Settlements Restoration Program. Public meetings* under the formal notice and comment process will be sponsored by the Trustees.

(1) <u>Formal Notice, Commenting and Related Activities</u>

Notice of Intent to Conduct Restoration Planning – A Notice of Intent will be published in the Federal Register, inviting public involvement in the restoration planning process through public review of, and comment on, this and other documents contained in the Record.

Draft Restoration Plan – Once the Trustees prepare the draft Restoration Plan, another notice

*"Public meeting" means any open public forum.

will be published in the Federal Register inviting the public to comment on the draft Restoration Plan and any significant modifications proposed to be included in the final Restoration Plan. Written or oral comments on the draft Restoration Plan to the Trustees are provided for at least 30 calendar days.

- A series of public meetings will be held early in the comment period to explain the draft Restoration Plan.
- A second series of public meetings will be held toward the end of the comment period to provide an opportunity for public comment on the draft Restoration Plan.

(2) Public Outreach

The Trustee Council places a high priority on public outreach. The Trustees' methods for informing and involving the public may include, but are not limited to, the following activities:

- **Fact sheets -** Periodic distribution of fact sheets to interested individuals and organizations.
- **Public scoping document -** Distribution of this public scoping document to inform the public of the restoration planning process and to seek input.
- **Press releases -** Periodic news releases and briefings for reporters on Trustee activities.
- **Public Service Announcements** - Public Service Announcements aired over radio and television broadcasts to inform the public of the resource injuries, restoration planning process, and upcoming events and meetings.
- **Meetings -** Periodic meetings to inform the public of restoration progress and to solicit community input.
- **Cooperative efforts** - with individuals, multi-cultural community based organizations, businesses and governments to inform and involve the public and to further overall restoration goals. The community efforts will include direct contact with anglers at locations such as fishing piers, boat docks and boat-launching areas.
- **Workshops -** Periodic workshops throughout the planning process as resources permit.
- **Informal briefings and presentations -** Periodic informal presentations to provide an interactive forum for the exchange of ideas and information with interested groups upon request.
- **Web site –** Up-to-date information of restoration progress will be posted regularly on the Montrose Settlements Restoration Program web site at www.darcnw.noaa.gov/montrose.htm.

Potentially Interested Parties

This public participation plan is intended to reach those persons or groups who have an interest in the MSRP restoration planning process. The Trustees are developing a mailing list of parties (both individuals and organizations) with potential interest in these restoration activities.

If you or your organization would like to be added to our mailing list, please call (866) 795-7786 or send an e-mail to msrp@noaa.gov, and provide your name, address, and e-mail address. For up-to-date information about the MSRP restoration planning process, please visit our web site at www.darcnw.noaa.gov/montrose.htm.

Public Comments

We encourage you to share your thoughts through written comments. Please note that any responses we receive will be considered a matter of public record and releasable under the Freedom of Information Act.

The deadline for comments on this scoping process is November 24th, 2001. Please send your comments to:

The Montrose Settlements Restoration Program
c/o NOAA's Office of General Counsel
501 W. Ocean Blvd., Suite 4470
Long Beach, CA 90802

You may also send comments by e-mail to msrp@noaa.gov.

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