



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Silver Spring, MD 20910

July 21, 2005

Ken Corey, Division Chief  
U.S. Fish and Wildlife Service  
6010 Hidden Valley Road  
Carlsbad, CA 92011

Dear Mr. Corey:

In accordance with the requirements of Section 7 of the Endangered Species Act of 1973, the National Oceanic and Atmospheric Administration (NOAA) is seeking concurrence by the U.S. Fish and Wildlife Service (USFWS) that the implementation of the Montrose Settlements Restoration Plan is not likely to adversely affect the federally endangered Santa Catalina Island Fox (*Urocyon littoralis catalinae*). NOAA is the lead federal agency for the Montrose Settlements Trustee Council (Trustee Council), a group of six federal and state agencies that administer the Montrose Settlements Restoration Program. This program is designed to restore natural resources that were injured as a result of DDT and PCB contamination in the marine environment off of Southern California.

The Trustee Council released a draft Restoration Plan and Programmatic EIS/EIR for public review in April of 2005. This plan outlined a suite of projects intended to restore bald eagles, peregrine falcons, seabirds, and fish and fishing services in the Southern California Bight. In preparation for the completion of the Restoration Plan, NOAA is seeking concurrence that the preferred alternative for the bald eagle (*Haliaeetus leucocephalus*) is not likely to adversely affect the Santa Catalina Island fox. Critical habitat has not been designated for this species. This request for concurrence only applies to the bald eagle preferred alternative and does not address consultation requirements for any additional restoration projects.

#### Background

The Trustee Council is currently funding two programs for bald eagles on the Channel Islands. The first program, the Santa Catalina Island bald eagle program, has been funded by the Trustee Council since the late 1990s. This program was initiated in 1980 by the USFWS and the Institute for Wildlife Studies, with the cooperation of the California Department of Fish and Game and Santa Catalina Island Conservancy, in an effort to reintroduce bald eagles to Santa Catalina Island. However, due to the ongoing effects of DDT contamination in the Southern California Bight, the reintroduced bald eagle population has been maintained since 1989 through manipulations of eggs and chicks at each nest site and through hacking of additional birds. Even today, the eggs laid on Santa Catalina Island remain highly contaminated and have a low hatching success despite artificial incubation.

The second program that is currently being funded by the Trustee Council is the Northern Channel Islands (NCI) Feasibility Study. This five to seven year study was initiated in 2002 to determine whether bald eagles reintroduced to the Northern Channel Islands (and thus farther

from the main source of contamination) would have sufficiently low exposures that they can successfully breed and produce young. This program involves the release of 12 bald eagles per year on Santa Cruz Island. Because eagles generally first breed between 4-5 years of age, we anticipate the initial results of breeding attempts in 2007-2008.

For the Restoration Plan, the Council's preferred alternative for bald eagle restoration involves ceasing funding for the Santa Catalina Island program after 2005 and focusing restoration efforts on the Northern Channel Islands. However, the Council will reconsider funding of the Santa Catalina Island program after the results of the NCI Study are known (likely sometime around 2008). At that time, the Council will decide on the next course of action for bald eagle restoration on the Channel Islands and will release a subsequent document for public review. The Council will also consult with the USFWS on any potential impacts from the subsequent bald eagle decision on listed species and critical habitat at that time.

The Council received many public comment letters on the proposal to cease funding of the Santa Catalina Island program. One of the concerns raised by the public was the potential impact to the Santa Catalina Island fox should bald eagles disappear from the island as a result of the cessation of the program. The concern is that golden eagles would take up residency on Santa Catalina Island in the absence of bald eagles and prey on the endangered island fox as they have done on the Northern Channel Islands. However, after an analysis of the potential impacts and consultation with various experts, we have determined that the proposal to cease funding of the Santa Catalina bald eagle program until the results of the NCI Study are known is not likely to adversely affect the island fox based on the following reasons:

1) Bald eagles are unlikely to disappear from Santa Catalina Island over the next several years even if human intervention ceases

Even without continued Trustee Council funding for current Santa Catalina Island bald eagle efforts, it is likely that bald eagles will continue to inhabit the island despite their inability to hatch offspring naturally. Bald eagles in the wild typically live for 25 – 30 years, and Santa Catalina Island currently supports 15 – 20 birds of a wide range of age cohorts. There are currently five active bald eagle nesting territories on the island. Even assuming the bald eagles fail to hatch new chicks in the coming years, bald eagle experts from the Institute for Wildlife Studies and the California Department of Fish and Game do not expect that they will immediately break their pair bonds and abandon their territories. Rather, it is likely that bald eagles will remain on Santa Catalina Island for several years, with their numbers diminishing gradually over a period of as many as 10 years or longer as birds die and are not replaced, and as individual bald eagle pairs experience several years of nesting failures and break their pair bonds.

2) Santa Catalina Island likely does not support a sufficient terrestrial vertebrate prey base adequate to sustain golden eagles

The presence of feral pigs is one the primary reasons why golden eagles were able to establish themselves on Santa Cruz Island, one of the Northern Channel Islands. Efforts initiated in the 1990s eliminated several introduced terrestrial mammals (i.e., goats and pigs) from Santa

Catalina Island that could serve as prey for golden eagles. Without an abundant prey base, it is unlikely that golden eagles would establish themselves on Santa Catalina Island, even in the absence of the bald eagle.

Golden eagles are considered an occasional visitor to Santa Catalina Island and have never been documented breeding on the island. This was true even when bald eagles were absent from the island (and feral pigs were present) during the years prior to bald eagle reintroduction in the 1980s.

### 3) Golden eagles are unlikely to disperse to Santa Catalina Island

Unlike the Northern Channel Islands, there is not a nearby mainland source of golden eagles near Santa Catalina Island. Given the extensive development of Los Angeles County, it is unlikely that golden eagles will disperse out to Santa Catalina Island from the nearby mainland. A more likely scenario would be that golden eagles would disperse from the Northern Channel Islands to the island. However, the National Park Service has been removing golden eagles on the Northern Channel Islands since 1999. Through this effort, more than 35 golden eagles have been relocated and only an estimated 10 currently remain on the Channel Islands. Efforts are on-going to relocate the last remaining golden eagles. With the substantial reduction in golden eagles, it is unlikely that the Northern Channel Islands would serve as a source of golden eagles to Santa Catalina Island.

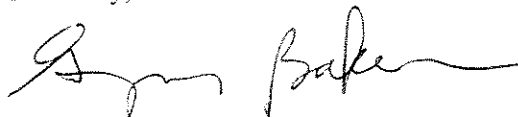
The National Park Service is also currently removing feral pigs on Santa Cruz Island. Although this effort may take several years to completely eradicate the pigs, this unnatural prey source will no longer be available to golden eagles. Without an adequate food base, the golden eagle will likely resume their historical presence on the Channel Islands as an occasional visitor.

### Conclusion

The Council will revisit funding of the Santa Catalina bald eagle program once the results of the NCI Bald Eagle Feasibility are known (likely around 2008). In the meantime, the Council does not anticipate that bald eagles will disappear from Santa Catalina Island or that golden eagles will impact the Santa Catalina Island fox. Based on the reasons above, we have determined that the Council's preferred alternative for bald eagles is not likely to adversely affect the Santa Catalina Island fox. We respectfully request concurrence with this determination.

Should you have any questions or need additional information, please contact me at (650) 329-5048.

Sincerely,



Gregory Baker  
National Oceanic and Atmospheric Administration  
Program Manager, Montrose Settlements Restoration Program



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road  
Carlsbad, California 92011

In Reply Refer To:  
FWS-LA-3556.1

SEP 26 2005

Gregory Baker  
Program Manager, Montrose Settlements Restoration Program  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
Silver Spring, Maryland 20910

Subj: Request for Section 7 Informal Consultation Regarding the Montrose Settlements  
Restoration Plan, California

Dear Mr. Baker:

This letter responds to your request received on September 16, 2005, regarding the potential effects of the proposed Montrose Settlements Restoration Plan on the federally endangered Santa Catalina Island fox (*Urocyon littoralis catalinae*). In your letter you concluded that the proposed action may affect, but is not likely to adversely affect this species and requested our concurrence with this determination.

The Montrose Settlements Restoration Plan outlines a suite of projects intended to restore bald eagles (*Haliaeetus leucocephalus*), peregrine falcons (*Falco peregrinus anatum*), seabirds, and fish and fishing services in the Southern California Bight. The Montrose Settlements Trustee Council is currently funding two programs for bald eagles on the Channel Islands. The first program has been funded since the late 1990s and involves reintroducing bald eagles to Santa Catalina Island. Since 1989 the reintroduced bald eagle population has been maintained only through manipulations of eggs and chicks at each nest site and through hacking of additional birds. The second program is a study to determine whether bald eagles reintroduced to the Northern Channel Islands would have sufficiently low exposures to DDT that they can successfully breed and produce young.

As part of the Montrose Settlements Restoration Plan, the Council's preferred alternative involves ceasing funding for the Santa Catalina Island program after 2005 and focusing restoration efforts on the Northern Channel Islands. One of the concerns raised by the public was the potential impact to the Santa Catalina Island fox should bald eagles disappear from the island as a result of the cessation of the program. The concern is that golden eagles (*Aquila chrysaetos*) would take up residency on Santa Catalina Island in the absence of bald eagles and prey on the fox as they have done on the Northern Channel Islands.

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Based on the reasons provided in your September 16, 2005, request, we concur that the Santa Catalina Island fox is not likely to be adversely affected by the withdrawal of funding for the Santa Catalina bald eagle program. We concur based on the expected continued occurrence of bald eagles on Santa Catalina Island for years to come, the lack of a substantial terrestrial vertebrate prey base for golden eagles, the lack of any documented nesting of golden eagles on Santa Catalina Island, and the low likelihood of golden eagles dispersing to Santa Catalina Island. Should the project plans change, or if additional information is found on the distribution of listed species within the project area, this determination should be reconsidered.

Should you have any questions regarding this letter, or your responsibilities under the Act, please contact Ken Corey of my office at (760) 431-9440.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen A. Goebel", with a long horizontal flourish extending to the right.Small, handwritten initials in black ink, possibly "KAG", located to the left of the typed name.

Karen A. Goebel  
Assistant Field Supervisor