

ORIGINAL

MONTROSE SETTLEMENTS RESTORATION PROGRAM
PUBLIC MEETING

Held on: APRIL 24, 2005

Reported by: Gaye Limon, CSR No. 7416

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1 Public Meeting of the Montrose Settlements
2 Restoration Program, reported by Gaye L. Limon, a Certified
3 Shorthand Reporter for the State of California, with
4 principal office in the County of Orange, commencing at
5 5:05 p.m., Sunday, April 24, 2005, at the Long Beach Aquarium
6 of the Pacific, Honda Theater, 100 Aquarium Way, Long Beach,
7 California.

8

9 APPEARANCES OF SPEAKERS:

10 Greg Baker, Program Manager
11 Dave Witting, Fish Biologist
12 Annie Little, Bird Biologist

12

13 PUBLIC SPEAKERS:

14 Steve Pillman
15 Jesse Marquez
16 Brett Hill
17 Concerned Citizen
18 Theresa Laura
19 Ann Muscat
20 Travis Coops
21 Jack Balian

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Sunday, April 24, 2005

Long Beach, California

5:44 p.m.

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MR. GREG BAKER: What we would like to do at this point is open up the meeting for questions or comments. And cards have been handed out. Like I said, because it is a formal public meeting, we would like to make sure that we accurately recorded the questions and the comments.

What I would like to do is to see if anyone would like to either ask a question or make a comment. If you could, get your cards to me -- Milena or to me. And then what I will do is I can either read off your question or I can just call on you. We have a second microphone here, actually, too.

Why don't we start there.

Why don't you go ahead, Stephen. Go ahead and introduce yourself.

MR. STEVE PILLMAN: Okay. My name is Steve Pillman. I am not -- my affiliation with the Catalina Conservancy. I am a part-time employee. I do some Jeep tour driving. I have an interest and probably am biased a little bit.

A couple of one -- couple of questions if -- to help me understand. The habitat when you are talking about building an artificial reef, that's not to cover up the

1 entire mass, just little pockets where it is going to be
2 allowing some fishing on that; is that correct?

3 MR. GREG BAKER: That's correct.

4 MR. STEVE PILLMAN: Okay. And another thing that -- as
5 far as the seabirds and how that'll affect the eagles, it
6 probably won't because they are going to go all over the
7 place.

8 MR. GREG BAKER: In terms of contaminant levels?

9 MR. STEVE PILLMAN: Yeah.

10 MR. GREG BAKER: I sort of -- I didn't talk a whole lot
11 about EPA's actual plan because at this point it is
12 uncertain. The two major uncertainties we are faced with is
13 how effective some EPA action would be in terms of reducing
14 wildlife and fish and people's exposure to the chemicals and,
15 secondly, the big uncertainty is what's going to happen to
16 bald eagles in the northern Channel Islands?

17 As far as EPA's actions is concerned they are
18 focusing their effort, if they are going to perform some sort
19 of sediment cleanup, it is going to focus on the most
20 contaminated zone of contaminants. Even by their estimates,
21 if they were to perform this, it is likely not to have a
22 significant impact, at least not in the near term on
23 resources as far away or as far up the food chain as
24 something, like, bald eagles on the Channel Islands. EPA
25 anticipates that a capping remedy like that could impact the

1 fishing advisories so that -- I think what their hope would
2 be is that at least covering a portion of the contaminated
3 sediments, you would get the contamination level low enough
4 that the fish that people catch would be below the health
5 advisories.

6 MR. STEVE PILLMAN: That's only because they're
7 targeting the area that's a "you fish here." In other words,
8 that in this little pocket --

9 MR. GREG BAKER: Right.

10 MR. STEVE PILLMAN: -- where you are going to fish. It
11 is not talking about all the fish in the entire ecosystem.

12 MR. GREG BAKER: I should make a distinction, though,
13 between the trustees doing reefs and fishing sites and what
14 EPA's proposing which is, you know -- I don't know how many
15 square miles exactly but it is a large area.

16 In proportion to where the contamination is
17 spread, it is still only a portion of it. EPA is not looking
18 to just go into, like, strategically target certain spots.
19 They want to find the hottest spot and cover as much of their
20 contaminated sediment as they can.

21 MR. STEVE PILLMAN: Okay. Another question I have is
22 you are focusing on the northern Channel Islands. Is that
23 outside the area where the DDT has a real strong effect? In
24 other words, are you going to be building a lot of fishing
25 and enhancing the fishing areas because it is in an area that

1 wasn't affected by the dumping of the DDTs and PCBs and, so,
2 just make more fish available in those areas?

3 MR. GREG BAKER: Let me back up. If we're talking
4 about fish projects or bird projects?

5 MR. STEVE PILLMAN: I am talking about both. In other
6 words, it seems to me that a lot of the resources are going
7 to be in an area of -- that is outside the area that it was
8 affected by this action that we sued for. In other words, it
9 would be like if, you know, you went after Exxon and all the
10 money that Exxon paid is now going to go into establishing
11 fishing reserves in the Santa Barbara area.

12 MR. GREG BAKER: No, that's not the case. Most of the
13 funds for fishing and fish habitat restoration will focus on
14 the most affected area. The dilemma we are faced with,
15 though, is because a contamination continues to exist there,
16 there may be a limit to what you can do right in the most
17 immediate contaminated area.

18 For instance, the artificial reef concept would
19 function best in areas that are sort of transitional where
20 the contamination levels are not at their highest but they're
21 still causing fish advisories where, if you built a reef, the
22 fish you would catch on a reef in this area would likely be
23 uncontaminated. But currently, say, give you an example
24 here. Cabrillo pier, which is about here, white croaker
25 caught on Cabrillo pier, there's a sign on Cabrillo pier that

1 says, "Do not eat white coaker if you catch it here." That
2 might be a site where if you were to put in an artificial
3 reef that the kind of fish you catch there would not be
4 subject to the advisory.

5 The data are not in yet. This plan does not
6 identify specific sites for artificial reefs, but that's the
7 goal is to find sites that fit that kind of description.

8 Now, some of the fish restoration funds would go
9 toward supporting the marine protected areas that have been
10 created just recently in the northern Channel Islands.

11 MR. STEVE PILLMAN: Again, those areas up there are not
12 really affected by the DDT.

13 MR. GREG BAKER: The levels of contamination of fish in
14 that area are not high enough to cause advisories, but there
15 are injuries to other resources, you know -- I'm sorry, to
16 marine birds, bald eagles, peregrine falcons, and marine
17 birds that exist on these islands historically have been
18 affected by the contaminants.

19 MR. STEVE PILLMAN: Because they are coming over --

20 MR. GREG BAKER: Not necessarily. Because the
21 contamination has made it into the food web, it has spread
22 far and wide. There are mobile organisms, marine mammals,
23 and fish that have spread that contamination problem far and
24 wide.

25 MR. STEVE PILLMAN: I will just read it. I believe it

1 is impossible to know all the consequences of eliminating an
2 animal at the top of the ecological system. Most of us have
3 been aware of the problem of golden eagles and fox on another
4 one of our Channel Islands. However, I read something in the
5 March 2005 issue of Discover Magazine and I read of a
6 consequence of the loss of vultures in India. The vultures'
7 rapid decline led to a rise in the rabid -- in the population
8 of feral dogs which led to a rise in rabies outbreaks.

9 A researcher was quoted as saying, "There are
10 consequences when birds are not doing their ecological jobs.
11 We do not know all that can happen, and the consequences
12 eventually lead back to us."

13 I am sure that we could all look at some science
14 and conclude that we should eliminate the eagle restoration
15 project. We could also find strong science that would
16 support its continuation. A more honest assessment would
17 more likely echo a statement by Michael Crichton. "We think
18 we know what we are doing. We have always thought so. We
19 never seem to acknowledge that we have been wrong in the past
20 so may be wrong in the future. Instead, each new generation
21 writes off earlier errors as a result of bad thinking by less
22 able minds and then constantly embarks on fresh errors of its
23 own."

24 We also need to look at what the public thinks
25 when they view our actions. The road that led to the

1 establishment of the bald eagle restoration project can no
2 doubt be traced back to Rachel Carson who foretold a silent
3 spring. If we can discontinue the project at this time, the
4 message will be loud and it will be clear, get used to it.

5 MR. GREG BAKER: Okay. Thanks, Stephen.

6 Okay. Jesse Marquez.

7 MR. JESSE MARQUEZ: Yes. I will speak for that as
8 well.

9 MR. GREG BAKER: Okay.

10 MR. JESSE MARQUEZ: My name is Jesse Marquez. I am the
11 executive director for Coalition of Safe Environment
12 headquartered in Wilmington. Over the past four years, our
13 organization have been primarily advocates for cleaning up
14 the pollution cause by the Port of L.A., Port of Long Beach,
15 various oil petroleum industries and refineries.

16 Oftentimes when we review documents and have to
17 look for solutions, sometimes it is hard to face reality
18 that, you know, you have to do a specific thing. Although
19 every one of these projects you are proposing is an admirable
20 and badly-needed project, there is still an ongoing problem.
21 Nowhere in your plan does it say or cause or allocate funds
22 to remove the DDT and PCBs.

23 Your bald eagle program has been a failure for 25
24 years because it's still there. Nowhere in your plan is
25 there a plan to begin to remove any amount of it.

1 Now, yes, I am assuming that your staff and
2 whoever else you have been associated with has at some point
3 in time seen some type of estimate as to what the cost of
4 cleanup would be, and I am probably assuming that it would
5 probably be hundreds of millions, if not in the billions; but
6 the truth of the matter is that some amount of monies has to
7 be allocated for removal.

8 So I don't care if you hire one scuba diver, you
9 know, one submarine for one day to remove one pound, ten
10 pounds, or one ton. You must do that. You must begin that
11 process.

12 And if the Montrose fund amount is not enough to
13 do the job then you must allocate a percentage of it to begin
14 that process and then look elsewhere to where else can funds
15 be obtained.

16 I am involved in environmental projects with the
17 Port of L.A. and the Port of Long Beach. I have seen the
18 budgets. The Port of L.A. every year has a net profit of 4-
19 to \$600 million. That's net profit. Yet they are not
20 funding anything to help clean up this mess which in the past
21 and in the present they are still contributing to.

22 The consolidated slip is one of the major toxic
23 zones in the harbor as well as the Palos Verdes shelf right
24 there. So I see that you have to allocate funds, number one,
25 to remove some. I don't care if you set up plans for one

1 ton, two tons, three tons. You have to do that.

2 And, yes, I understand once you begin that
3 process it disturbs it. It comes to the water. Then fine.
4 Then you make another plan. That plan is that no one will
5 fish within five miles. You will post guards on the beach.
6 You will do whatever's necessary to allow that cleanup
7 process to begin.

8 The ocean water is polluted. We have
9 recommended, numerous of us, public comments, that you need
10 to establish some type of ocean water reclamation facility.
11 And what does that facility do? Just like any other water
12 purifier does, it sucks up the pollution and cleans it and
13 puts it back.

14 You should have some kind of allocation of funds
15 to do exactly that, clean up the water; but, then, let's join
16 forces to make everyone chip into that pot. The Port of L.A.
17 is one source, the Port of Long Beach is another source. The
18 BP Arco refinery dumps it into the Dominguez water channel.
19 It comes into the water. Everybody must do their part to
20 contribute to that cleanup. I would like to see that added
21 to the plan.

22 MR. GREG BAKER: We will take it as a comment and we
23 will respond to that comment in the plan.

24 I do want to make maybe one point of
25 clarification about and that's that -- and we -- I don't have

1 my lawyer here to describe all the aspects of the legal
2 settlement, but the Montrose case is somewhat confusing
3 because there's an onshore case and an offshore case. In
4 other words, the plan which was in Torrance that litigation
5 hasn't been settled yet. So while a lot of the DDT came out,
6 the White Point outfall off the Palos Verdes shelf, the DDT
7 came down the Dominguez storm drain and into the consolidated
8 slip area.

9 That area of contamination was not covered by
10 this particular consent to degree this settlement.

11 Further, within the settlement itself, this \$140
12 million settlement we are talking about, four separate
13 settlements, actually, that was a division of funds between
14 the U.S. Environmental Protection Agency and the National
15 Resource Trustees. The National Resource Trustees, part of
16 that deals with the natural resource restoration; and the
17 EPA's part of it deals with the cleanup, as you said, dealing
18 with the problem what do you do with the contamination that's
19 there?

20 So, really, the comments would also be relevant
21 for the EPA when they get to the point next year where they
22 are making their cleanup decision, what are they doing with
23 their portion of the funds that were meant to clean up the
24 problem?

25 But, like I said, the fine nuance here is that

1 maybe it shows up better here. That wasn't the one I wanted.

2 This sediment covers the offshore area. When you
3 get into the inner portion of the harbor and up the channel,
4 it's a different settlement. And -- but like I said, your
5 comments are going to be put in the record and we'll address
6 them.

7 MR. JESSE MARQUEZ: Because, like, right now you have
8 the L.A. County Sanitation Department. They have two drains
9 that come from Carson right through Palos Verdes and come out
10 there. So as long as those to 2- to 300 million gallons a
11 day are coming through that eight-foot pipe and 10-foot pipe,
12 it is still distributing that DDT and that PCB. Right now --
13 three months ago, I attended a meeting there at the L.A.
14 Sanitation Department, and they are proposing building
15 another pipe 18 feet in diameter that's going to pump 500 to
16 600 million gallons a day into the harbor. That still will
17 distribute it even further. Even your habitats that you are
18 planning right there may still be endangered because that is
19 on the planning board right now, and they are hoping to begin
20 construction in about two years from now.

21 MR. GREG BAKER: Okay. Are there comments? Do you
22 have a card? It is a question?

23 MR. BRETT HILL: Just a question. You did propose --

24 MR. GREG BAKER: Go ahead, give us your name. Even if
25 it is just a question, it helps to have your name.

1 MR. BRETT HILL: Brett Hill. You are going to cover
2 the contaminants sediment with cleaner sand; right? Has the
3 effectiveness of that been tested?

4 MR. GREG BAKER: Yes, it's being tested. The pilot cap
5 project was conducted in 2000. That's the year in which they
6 actually dumped the sand over certain portions to see how
7 well it functions, and the EPA is still in the process of
8 evaluating the effectiveness of that cap because it was
9 something -- they can look at the immediate effect but they
10 also wanted to see over a period of years what would happen.
11 Would burrowing organisms disturb it, you know? Would the
12 contaminated sediments that got covered find its way back up
13 to the surface again?

14 EPA anticipates coming out with their findings on
15 that next year, and they're employing the Army Corps of
16 Engineers, U.S. Geological Survey, and a consulting firm to
17 help them assess the effectiveness of that cap.

18 At this point, there's debate over how effective
19 that cap is going to be. But like I said, the final decision
20 is not scheduled until next year.

21 MR. BRETT HILL: Thanks.

22 MR. JESSE MARQUEZ: There was not one single
23 environmental group that supported your capping program that
24 took effect. As far as banking on U.S. Army Corps of
25 Engineers, you can't trust them for anything. They've rubber

1 stamped every project that's ever been proposed. As long as
2 there's a dollar that can be made out of the profit from the
3 Port of L.A. or any other industry, they've rubber stamped it
4 and gone business as usual. I don't know.

5 Is there going to be a report that will show what
6 happened in the last earthquake that just happened last year
7 off of Catalina? If you saw a few weeks ago, USC released a
8 report on its tsunami earthquake study. And is, like, major
9 damage going to happen in the near future? No matter what
10 you are planning, no matter how much sand you put on top, we
11 are still sitting on top of a fault out there.

12 MR. GREG BAKER: Jesse, you are making a distinction
13 between just covering a problem or capping the contamination
14 versus removing it?

15 MR. JESSE MARQUEZ: There's not a permanent cap. It is
16 still loose sand poured over it. So that's -- that has
17 certain limitations that will exist forever. As time goes
18 on, that sand layer disappears.

19 MR. GREG BAKER: Okay. Other questions or comments?

20 CONCERNED CITIZEN: Is there any chance we will keep
21 the eagles in Catalina?

22 MR. GREG BAKER: Yes. Could I get your name.

23 CONCERNED CITIZEN: Concerned citizen.

24 MR. GREG BAKER: Okay, concerned citizen. Yes. The
25 question was: Is there any chance we are going to keep bald

1 eagles on Catalina Island? And, yes. I mean, at this point
2 the plan is a draft. We have two alternatives that we
3 presented, and we are taking comment on those alternatives.
4 At the end of the comment period, we will collect all the
5 comments, and the trustee council will convene and make a
6 determination.

7 Even beyond that, even if the trustees themselves
8 were to cease the funding of the ongoing program right now,
9 that's not to say that the program would necessarily cease.
10 It could be that they could find other funds to do that
11 program. And even then beyond that one doesn't necessarily
12 know exactly what's going to happen if you were to stop this
13 egg removal incubation and fostering of chicks.

14 So, yeah, so there's a certain amount of
15 uncertainty. It is unlikely if you were to completely cease
16 the support that's currently happening for bald eagles in
17 Catalina that the reproduction would fail and that after a
18 certain period of years that those birds would not -- those
19 pair of bonds would break down. I don't know if that answers
20 your questions.

21 Yes.

22 MS. THERESA LAURA: I'm sorry. I don't have a card
23 either. I had a question and a comment.

24 MR. GREG BAKER: Could I get your name?

25 MS. THERESA LAURA: Yes. Theresa Laura. First name

1 T-h-e-r-e-s-a, last name is Laura, L-a-u-r-a. First off, I
2 was wondering about the distinction of superfund sites
3 whether any additional funding would be available. Should
4 this cap not work out, can they get additional funds for
5 cleanup?

6 And then my comments again are about the bald
7 eagle population. I am very concerned about the fact that
8 they're just going to stop that project altogether.

9 And then my additional comment about the
10 excessive amount of pollution off of Palos Verdes. I'm not
11 very pleased that the lesser polluted areas are going to be
12 addressed but not the severely polluted areas.

13 MR. GREG BAKER: Okay. The first one, which is a
14 question about the funding available for cleanup, yeah, the
15 settlement provided, I think it was about \$66 million to the
16 EPA for cleanup actions. The superfund is a program --
17 superfund has funds available for truly abandoned sites where
18 there's no money available to clean them up, but funds are
19 very limited. But that's really a question that you would
20 have to address the EPA as to whether or not it would be
21 conceivable that they could achieve additional funding beyond
22 what they already have to try and implement some remedy or
23 some sort of cleanup offshore.

24 But I think the main thing they are struggling
25 with at this point is the feasibility of doing something in

1 that kind of environment.

2 And then your comments I suggest we just go ahead
3 and address them in the record.

4 MR. JESSE MARQUEZ: I'd also like to see a salt water
5 fishery be established as well as with part of the funds. We
6 are talking about creating reefs and where they can be nice
7 little biggy fish. But if the baby fish are going to be
8 contaminated that is still a problem. I think we need to get
9 a healthy fish stock from somewhere and establish a fishery
10 and then on an annual basis reintroduce fresh clean salt
11 water fish back into the ocean into these areas as well.

12 MR. GREG BAKER: Okay. Yes.

13 MS. ANN MUSCAT: I will be happy to fill a card out.
14 My name is Ann Muscat. I'm with the Catalina Island
15 Conservancy. I had a question about the fisheries work
16 that's being suggested.

17 Was there any discussion in your deliberations
18 about doing work around Catalina Island? It's curious to me
19 sort of apropos to some of the other comments that have been
20 made that there are recommendations for wetlands restoration
21 for the mainland, MPA workup on the northern Channel Islands.
22 Was there any discussion about potentially doing some work in
23 fisheries restoration around Catalina and also any testing
24 for contamination of fish that might be hot by the sport of
25 fishing industry around Catalina?

1 MR. GREG BAKER: Yes. The first question about fish
2 restoration projects in the Catalina area, in that first tier
3 of projects, one of the things that was considered with
4 respect to marine protected areas was the idea of
5 establishing new marine protected areas, you know, closer to
6 the contaminated area. And that proposal did not make it
7 past the first tier of evaluation. It could have entailed
8 work in the Catalina area, mainly because the effort involved
9 in establishing new marine protected areas is a very
10 long-term effort, it's costly, and it's publicly
11 controversial.

12 So when weighed against the idea of support
13 existing marine protected areas that have already come into
14 being in the northern Channel Islands, that project was
15 deemed to be more feasible.

16 As far as other contamination sampling for fish
17 around Catalina or specific projects to do, say, habitat type
18 projects around Catalina, there were no ideas that really
19 dealt with habitat improvement around Catalina. I don't know
20 what kind of fish contamination studies there are that may
21 have been conducted for fish around Catalina Island; but
22 Southern California coastal water resources project, you
23 know, there may be other organizations that have more
24 familiarity with that. I don't know, David, if you are
25 familiar with any.

1 MR. DAVE WITTING: There aren't a lot of data for fish
2 around Catalina. The few data that there are suggests that
3 they're pretty clean.

4 MR. GREG BAKER: I was talking to someone at the
5 aquarium. All of the water in this aquarium is barged over
6 from Catalina Island. They don't use harbor water to feed
7 the 750,000 gallons they need at the Aquarium of the Pacific.
8 It comes in from Catalina. Yes.

9 MS. THERESA LAURA: I am sorry. I have another
10 question. When you are speaking about the predator removal,
11 I was wondering if the killing of the pigs on Santa Cruz
12 Island is also part of it.

13 MS. ANNIE LITTLE: That's actually not part of this
14 program. It's a National Park Service program that is --
15 actually, I think they just started that program. No, it is
16 not part of the Montrose Restoration Program.

17 MS. THERESA LAURA: So the predators you are removing
18 are just the rats?

19 MS. ANNIE LITTLE: From San Miguel Island, the proposal
20 is for rats. And then there's two other projects that
21 proposes removal of cats that San Nicholas Island and
22 Guadalupe Island.

23 MS. THERESA LAURA: Thank you very much.

24 MR. STEVE PILLMAN: Yes. How did the dumping of the
25 DDT lead to rats on that island?

1 MS. ANNIE LITTLE: It didn't lead to rats on that
2 island, but those projects benefit seabirds that were injured
3 from DDT.

4 MR. STEVE PILLMAN: Don't you think it would be more
5 appropriate to find the funds to do projects like that from
6 some other source rather than sacrificing the symbol of the
7 American government on an island that is seen by millions of
8 people a year? I mean, how is that going to look when, say,
9 we are going after rats that had nothing to do with the DDT
10 that was dumped?

11 I mean, is Montrose -- is that company still in
12 existence?

13 MR. GREG BAKER: No.

14 MR. STEVE PILLMAN: Okay. Well, yeah. Good.

15 MR. GREG BAKER: To the best of my knowledge, anyway.

16 MR. STEVE PILLMAN: But, you know, this is all a fight
17 over funds. In listening and reading, it is very clear that
18 this is a fight over funds to do good work, but it's also --
19 there has to be some symbolic event that happens here. And
20 when you're going after -- when you are sacrificing those
21 bald eagles, I think that you are going to run into a little
22 bit of problem.

23 And when you are looking at what the consequences
24 are, what are the consequences of irritating a lot of people
25 and what is the cost of trying to appease those over a year

1 when you are obviously manipulating funds to do something
2 that maybe shouldn't be done.

3 MR. GREG BAKER: Okay. I should back up on it.
4 Sacrificing bald eagles is not how I would characterize it.
5 The trustee council -- the bald eagle injury was a pivotal
6 injury in this case; and, as Annie was saying in her
7 presentation, the bald eagle restoration project is really
8 the cornerstone of the restoration program.

9 MR. JESSE MARQUEZ: And a complete failure.

10 MR. GREG BAKER: The issue becomes how important is it
11 to find a solution that's sustainable in and of itself versus
12 a solution that requires a long-term human intervention, and
13 so the -- there's no intention -- the trustee's intention is
14 to do everything they can to try to restore bald eagles to
15 the Channel Islands in a way that's self-sustaining.

16 Now, as far as the idea of expending funds on
17 seabird restoration that involves other kinds of projects
18 that aren't really directly related to the DDTs and PCBs, it
19 is common in restoration projects what it was that caused the
20 injury is no longer present, but the actions you need to take
21 to restore -- to help the resources bounce back involves some
22 other pressure, some other impact on them that if you remove
23 that pressure, you get back to what we're trying to get back
24 to which is the way things would have been had there never
25 been the contamination problem in the first place. And

1 that's the nature of these projects that involve eradication
2 of non-native species from the Channel Islands.

3 MR. STEVE PILLMAN: You can see how that settlement,
4 that \$140 million, starts to look like a windfall for other
5 people rather than the ones that were really affected and,
6 basically, just leaving the people and the ecosystem that was
7 really affected saying, Too bad. Gone. And maybe that's it.
8 Maybe that has to be done.

9 But, you know, let me know now so I can buy some
10 property up in Ventura and sell the property here.

11 MR. GREG BAKER: Thanks.

12 MS. THERESA LAURA: I suppose this is a legal question
13 but have we totally -- have we signed a settlement that
14 precludes us from getting future money out of Montrose should
15 these funds be deemed inadequate for cleanup and habitat
16 restoration or we completely -- we already signed an
17 agreement that completely precludes any additional regress in
18 the future?

19 MR. GREG BAKER: There were a total of four settlements
20 and the last one was the final settlement for this particular
21 case. And that's not to say, for instance, that it addresses
22 other aspects of their liability for other problems they may
23 have caused.

24 As far as the offshore superfund case, natural
25 resource damages case, that was the final settlement.

1 One in the back.

2 MR. BRETT HILL: I'm sorry. I might have missed it
3 before but I am curious to know if there are any significant
4 detrimental effects of contaminants on DDT and PCB on human
5 beings and, if so, what are they?

6 MR. GREG BAKER: Okay. The question is: What are the
7 health effects of DDT and PCBs on humans? You know, I didn't
8 come completely prepared to talk about that, but when DDT was
9 banned in 1972 by the U.S. EPA, there were studies indicated
10 it could have carcinogenic effects, cause cancer. I don't
11 know what current science indicates as far as the
12 carcinogenic properties of those compounds, but they do also
13 have teratogenic effects; that is, they affect infants before
14 they are born. It affects human development, brain
15 development in developing fetuses.

16 The big question really comes down to how
17 significant an exposure causes these kinds of health effects
18 in human beings. And the advisories that the State of
19 California has set on consuming fish that people catch off
20 the coast are geared toward a very protective level.
21 There's, you know, at least one or two orders of magnitude.
22 There's a significant level of cushion between the level of
23 contamination that you would eat -- get from consuming fish
24 and what would result in these kinds of, you know, noticeable
25 effects on your health.

1 It is just the nature of the way that these
2 health advisories are set is that they tend to be very
3 protective. That said, there are fish that are out there
4 that are highly contaminated.

5 Do you have a follow-up question to that?

6 MR. BRETT HILL: Yeah. There's the signs posted on
7 beaches and things that, you know, they want you to not eat
8 these certain types of fish; but is there anything done
9 beyond that as far as -- you know how they have warnings on
10 alcohol for pregnant women not to drink alcohol? Anything in
11 menus in restaurants and things like that?

12 MR. GREG BAKER: Yeah. There is an existing effort
13 that is being funded by EPA's portion of the settlement
14 that's attempting to get more public information out about
15 fish consumption. And an element of this program would also
16 go toward additional public information, although we'd also
17 want to have that information not just tell people not to do
18 but tell them where they can find cleaner fish to eat or ways
19 that they can avoid the contamination but still benefit from
20 the enjoyment of fishing. We don't want to scare people into
21 thinking that fishing is just an unsafe thing to do.

22 MS. THERESA LAURA: How about the exposure of people
23 who use the marine resources extensively such as surfers who
24 are in the water five to seven days a week and also people
25 who are divers? I am in the water on average five days a

1 week as is the rest of my family because we are all surfers.
2 So we are ingesting the ocean water. We are not eating the
3 fish, but there's sand in the ocean water and I do most of my
4 diving and surfing off of that red area. Is anyone looking
5 at those impacts?

6 MR. GREG BAKER: Once again, I am probably not the one
7 who's best qualified to talk about water column
8 concentrations of these chemicals, but I can tell you that
9 they tend to associate -- seem like you had a sense for the
10 fact that these chemicals are hydrophobic. They tend to
11 associate with organic matter or with the sediments rather
12 than the water column. So that the concentration of DDT and
13 PCBs are going to find in the actual water column itself is
14 much lower than it is in the bottom sediments.

15 With that said, I can't really speak to relative
16 levels and degrees of exposure that you are asking. Question
17 you could pose for either the state health department or the
18 U.S. EPA.

19 In fact, we have a number, I think, in our
20 general fact sheet for the U.S. EPA hotline, an 800 number,
21 you can call the San Francisco office of EPA and get some
22 more information about that.

23 MR. TRAVIS COOPS: Travis Coops. Just wondering how to
24 allocate the funds, which I think is an okay idea. It is a
25 temporary fix to a, you know, problem that's going to go on

1 for decades. I mean, my grandchildren will probably have the
2 same problem it seems. But have these funds allocated
3 towards the different projects you have slated are you guys
4 going to work in the court, like, alongside EPA what they do
5 or are you going to start spending the money, start these
6 projects right away? It makes no sense to start the
7 projects, I guess, before the EPA starts doing the dredging
8 or whatever they start doing what you had talked about
9 earlier. It's like releasing a bird back into an oil filled
10 habitat, in this case DDT.

11 MR. GREG BAKER: Right. I am going to take that both
12 as a question and as a comment. In other words, the point
13 you are making is that you need to take into account the
14 existence of the contamination or even the impact of the
15 process of cleaning it up before you move forward and try
16 doing something that's going to only turn out to be a failure
17 because of lack of coordination with what the EPA is doing.

18 We work very closely with the Environmental
19 Protection Agency. The timing of their final decision on
20 cleanup, even though it is not until next year, will dovetail
21 well with what we are planning on implementing. We don't
22 anticipate that anything we would do that might be affected
23 by their cleanup would actually get under way before they
24 made that cleanup decision.

25 MR. JESSE MARQUEZ: Are you talking about U.S. EPA?

1 MR. GREG BAKER: Yes.

2 MR. JESSE MARQUEZ: Bush is totally destroying all the
3 U.S. EPA right now.

4 MR. GREG BAKER: Any comments, additional comments, or
5 questions? Also happy to stick around and just sort of talk
6 to people one on one if we get to that point, too.

7 MR. JESSE MARQUEZ: How can we get a hard copy of the
8 whole environment --

9 MR. GREG BAKER: We have a CD copy of it or, if you
10 would like a hard copy of the full document, we can certainly
11 get a copy of that to you, too, Jesse. Ann.

12 MS. ANN MUSCAT: Yes. I noted our concern, the
13 Catalina Island Conservancy, about PCB program on Catalina.
14 The follow-up question to that is: Have you talked about an
15 ongoing monitoring program if, in fact, that was the decision
16 that remains and funding for the egg replacement program
17 which ceases in 2005? Was there any discussion about
18 providing some funding to monitor what is going over a period
19 of years what will happen to that population on Catalina?

20 MR. GREG BAKER: Yeah, definitely. Do you want to
21 speak to that, Annie?

22 MS. ANNIE LITTLE: Yes. The specifics haven't been
23 worked out yet for a monitoring program for the islands, but
24 it is something that will be developed. But no specifics
25 have been worked out yet.

1 MR. GREG BAKER: If you read the description of that
2 alternative, that even if bald eagles in the northern Channel
3 Islands have reproductive problems similar to Catalina, there
4 would be ongoing monitoring of bald eagles. And contaminant
5 levels, you know, in anticipation that maybe there is some
6 point in the future where this program is still in operation,
7 there's still funds and is possible to do additional
8 restoration for bald eagles.

9 MS. ANN MUSCAT: In both the northern and southern?

10 MR. GREG BAKER: Does it include Catalina?

11 MS. ANNIE LITTLE: It is just overall for the Channel
12 Islands.

13 MR. GREG BAKER: Yeah, that's what I was thinking.
14 Basically, wherever they occur in the Channel Islands so that
15 would anticipate Catalina. But we can make sure that's a
16 comment that's noted.

17 MS. ANN MUSCAT: Okay. Thank you.

18 MR. JACK BALIAN: One questions. My name is Jack
19 Balian [phon.]. We are talking about -- I can see the
20 California Bight. How do they get down to Mexico, Guadalupe
21 Island? That's about 600 miles away. That's political
22 issues.

23 Also, all this money is also being spent a lot up
24 in the northern Channel Islands, which is all parks. They
25 have their stuff. All these southern ones are -- well,

1 there's only really private one is Catalina or a little bit
2 of Santa Cruz and rest are all federal. So it seems like the
3 federal and then -- how do they keep this up down in Mexico?
4 Talking about using the funds or not, you know, out of
5 nowhere. It is a great -- Guadalupe Island really needs
6 help. It's mauled. Everything's leaked off of it. But why
7 are they taking the funds for California for that?

8 MS. ANNIE LITTLE: The seabirds that occur on those
9 Baja specific islands also occur on the Channel Islands and
10 there's crossover between the area. Essentially, they
11 forage -- Guadalupe is outside, technically, of the Southern
12 California Bight, but the other islands right there the birds
13 forage within that entire area, and they showed effects on
14 the Coronado Islands and Todos Santos Islands of the effects
15 of DDT in Baja. Given the fact that we did see effects down
16 there and because the same resources used the area and were
17 targeting these certain suite of seabirds that are found both
18 on Baja islands and Channel Islands that's why we felt it was
19 appropriate that funds could be used on the Baja specific
20 islands.

21 MR. JACK BALIAN: When you say the Baja, I mean, it is
22 not -- Guadalupe is completely separate from the northern
23 Baja.

24 MS. ANNIE LITTLE: It is not on that map.

25 MR. JACK BALIAN: It is down 400 miles. It is out in

1 the middle of the ocean 400 miles. It is not even in the
2 same currents and weather patterns and everything else. It
3 is so far away. An eagle couldn't get there. California --

4 MS. ANNIE LITTLE: The projects on Guadalupe are
5 targeted for seabird restoration where you do get migrational
6 patterns of large distances where Guadalupe Island to sea
7 birds is not -- even though for us it may seem like a longer
8 distance, it's -- they use it and they use the Southern
9 California Bight as well. So that particular project is
10 targeted toward seabirds, not eagles.

11 MR. GREG BAKER: Stephen?

12 MR. STEVE PILLMAN: Where would the funds come from for
13 Guadalupe? The northern Channel Islands that aren't in
14 that -- strongly affected as we are. They didn't -- if it
15 didn't come from this money, where would they get the money
16 to do those things? What are the possibilities?

17 MS. ANNIE LITTLE: You mean for Guadalupe or for the
18 other seabird projects?

19 MR. STEVE PILLMAN: Take Guadalupe.

20 MR. GREG BAKER: The ongoing seabird restoration
21 efforts, they get various sources of funding.

22 MS. ANNIE LITTLE: Yeah. There's different
23 collaborators that work in Mexico, both from the U.S. and
24 Mexican organizations that fund restoration projects on
25 islands. I guess for the northern Channel Islands, you could

1 have funding sources from the park service. But we can't say
2 if we don't fund that, we don't know.

3 MR. STEVE PILLMAN: But you can see how the public
4 perception can be -- here's this big pie that's been set down
5 from the Montrose Chemical Company and, all of a sudden, you
6 know, everybody and their brother is trying to go after a
7 piece of that pie. And at some point you got to say, Hey,
8 you weren't invited to this table. At some point. I mean,
9 when it gets on Jack, his comment on Guadalupe, come on. You
10 might as well say up in Alaska we're going to -- you know, we
11 are going to fund a bald eagle, you know -- a dump so the
12 bald eagles up there can feed and that's how you are going to
13 cure the problem that you started here.

14 MS. ANNIE LITTLE: Well, for each of our projects, we
15 did analyze the connection of the project to the injury of
16 the case. And so for Guadalupe Islands and some of these
17 other projects where the seabird restoration project, the
18 seabirds targeted for restoration are the ones that showed
19 injury from DDT contamination.

20 MR. STEVE PILLMAN: But tying it in gets a little
21 thinner and a little bit thinner when you are going out; but
22 at the same time, you're taking money away from, you know,
23 what we would like to do, you know, on that. I mean, it --
24 and maybe it's a better use of the funds, but the argument
25 can be made it's not their funds. Let them go after somebody

1 else. That money doesn't belong to them. It may be a good
2 project but the money doesn't belong to them. The money
3 doesn't belong to the rats on an island that wasn't affected
4 by the DDT. It's simply not theirs. Whether they deserve it
5 or not is another issue entirely. It's not theirs.

6 MR. GREG BAKER: Okay. When you look at the basis for
7 selecting projects, connection to the injuries to the case
8 was a consideration that was given a lot of weight and
9 selection of preferred projects. It may not be that we are
10 adequately explaining what that connection is in this
11 particular instance when you talk about removing, say,
12 invasive species from an island, but it all fundamentally
13 comes back to this connection to the case and restoring
14 resources that were injured.

15 The trustee council also places a high emphasis
16 on creating a diverse set of projects so that you are not
17 just restoring one or two or three. You can take all the
18 funds and you could really focus in on very few projects and
19 spend a lot of money on those projects or you can take and
20 try to spread the funds toward a number of different
21 resources that have been impacted by the contaminants of the
22 case. But that connection doesn't always have to be as
23 direct as to say you are removing the DDT from the system as
24 a way of restoring the resource. You can bring back a
25 resource that was affected by DDTs by taking some action on

1 some other pressure on that resource that's still an
2 ongoing -- that's still causing -- still today is causing
3 problems for that particular resource.

4 MR. STEVE PILLMAN: But keep in mind you are still
5 setting down the statement that there will be no bald eagles
6 on Catalina. You are stating that in very clear terms.

7 MR. GREG BAKER: Okay.

8 MR. STEVE PILLMAN: That spring is, as it relates to
9 bald eagles on Catalina, will be silent; and there's nothing
10 that one penny of that \$140 million is going to remedy that.
11 That's the public relation problem you have, and you have to
12 decide whether the money that you are going to be saving by
13 not having that bald eagle reintroduction program is going to
14 be worth the public relations problem you are going to have
15 when people -- I mean, I want to be somewhat analytical here
16 beyond the emotions, but you have to look at the emotions
17 that other people will get. Because if I'm angry about it,
18 she's angry about it, there are going to be other people that
19 are angry about it, too.

20 CONCERNED CITIZEN: Can I say one thing? When a bald
21 eagle hatches and is reintroduced into the wild, there's a
22 spark of hope that maybe we can fix something. Apparently
23 not. So, you know, they will all die off and that'll be it
24 and there will be no more bald eagles around here and,
25 eventually, we will get rid of them all over the country and

1 then they are gone. That seems to be the way I feel. All
2 the wildlife will be gone and we can just put concrete over
3 everything right now and forget about it. Because every
4 little spark of hope gets stepped on by someone who wants
5 money for something else. That's the way I feel.

6 MS. THERESA LAURA: I'm back to the human health
7 consequences. I guess my concern is whether the agencies who
8 are addressing the human impact are going to receive any
9 funding from the settlement and, if not, then how can we be
10 reassured that anyone is studying the impacts upon the
11 public's health from the DDT and the PCBs?

12 MR. GREG BAKER: The settlement -- I don't have a slide
13 that show the breakdown of the \$140 million, but I think it
14 was 66 -- it was on the order of about 66 million of that 140
15 million went to the EPA. And the purpose of that money is to
16 reduce human and wildlife exposure to the contaminants; and,
17 so, EPA has already made some interim decisions, one of them
18 being to fund what they call institutional controls program.
19 They haven't made a decision on how you could clean up the
20 problem, but they wanted to, even before they could make that
21 decision to institute actions to get information out to
22 people. They're collaborating with us on collecting the
23 fish. Dave mentioned we collected a lot of fish off the
24 coast and they're in the process of analyzing right now and
25 see what the contamination levels are right now with a

1 greater degree of coverage than we have currently to be able
2 to provide better public information about that.

3 MS. THERESA LAURA: Okay.

4 MR. JESSE MARQUEZ: Can you share with us the last
5 three years of DDT test data off the Palos Verdes area?

6 MR. GREG BAKER: Well, I don't know what the most
7 recent sets of data are, whether you are talking about
8 sediment, fish, water.

9 MR. JESSE MARQUEZ: All of the above. Is it getting
10 better? Worse? Does it remain the same?

11 MR. GREG BAKER: Yeah. This -- the data sets -- this
12 is all talking about sediment. The most current study that
13 went into this I think is from 2000 or 2001; but it --
14 actually, the data includes sediment testing and went back
15 into the early '90s and maybe, say, late '80s. And the fish
16 that we collected we anticipate later this year that we
17 should have those results back.

18 There are other organizations like square up the
19 Southern California water resources project -- they are
20 Bight-wide studies on -- is it a tri-annual basis? Every
21 three years or every five years.

22 And, so, I mean, if you want, you could call me
23 in the office and I could point you to some sources of
24 information.

25 But to give you, like, an overall,

1 all-encompassing summary of where things stand, I guess, you
2 know, the best way I could say the levels have declined
3 substantially since the contamination was cut off in the
4 1970s. So the levels you find today are much lower than they
5 were then, but they continue to persist at levels that are
6 continuing to cause problems.

7 I am going to suggest we go ahead and sort of end
8 the microphone part, and people who want to continue to talk
9 or ask questions or things maybe we can go ahead and do that
10 on an informal basis.

11 Thanks for coming. I know it's not easy to get
12 here on a Sunday night but I appreciate it.

13

14 (Whereupon, the Public Meeting was concluded at
15 6:40 p.m.)

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The funds awarded by the court settlement appear severely limited to address the scope of the problem.

The appropriate solution should be to remove the contaminants rather than temporarily cap them. The eagle restoration funding should continue along with removal of contaminants.

Additionally, funds should be allocated to addressing human health concerns so that we can receive adequate attention.

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