

MONTROSE SETTLEMENTS RESTORATION PROGRAM

PUBLIC MEETING

ORIGINAL

Long Beach, California

Thursday, April 28, 2005

Reported by:
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CSR No. 8570, RPR

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Montrose Settlements Restoration Program public meeting taken at 501 West Ocean Boulevard, Suite 3470, Long Beach, California, beginning at 10:14 a.m. and ending at 11:07 a.m., on Thursday, April 28, 2005, before JOANNA B. BROWN, Certified Shorthand Reporter No. 8570.

1 APPEARANCES:
2 GREG BAKER
3 DAVID WITTING
4 ANNIE LITTLE
5 JENNIFER BOYCE
6 PATTY VELEZ
7 MILENA VILJOEN
8 LESLIE C. BAER
9 MICHAEL LYONS
10 GUILLERMO JAIMES
11 (OTHERS NOT IDENTIFIED)

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DAVID WITTING	15
ANNIE LITTLE	23
LESLIE C. BAER	30
MICHAEL LYONS	39
GUILLERMO JAIMES	

1 Long Beach, California, Thursday, April 28, 2005

2 10:14 a.m. - 11:07 a.m.

3

4 MR. BAKER: Thank you all for coming. My name
5 is Greg Baker, and I work with the Montrose Settlements
6 Restoration Program, and I wanted to introduce --

7 Maybe what I will do is I'll turn up the lights
8 to start with so that we just say who all is here:

9 Dave Witting with the Montrose Restoration Program, our
10 fish biologist, and Annie Little, our bird biologist,
11 and Milena Viljoen is our outreach coordinator; we have
12 Jennifer Boyce standing up in the back and Patty Velez
13 in the red, back there. So thank you all for coming.

14 We are going to first start with this program.
15 I need reading glasses. If you haven't signed in, it
16 would be great if you could sign in. We have a court
17 reporter, who is keeping -- preparing a transcript for
18 us, and we want to make sure that it's a formal comment
19 period and formal meeting. We want to make sure that we
20 have all of the comments correctly and that we respond
21 to them.

22 And then, in the back, you should have already
23 gotten a copy of the Executive Summary, and that would
24 be helpful to take a look at.

25 The way we are going to run the meeting is we

1 will give a presentation for a half an hour or so just
2 giving all of the background and describing the plan,
3 and then we will open it up for questions and comments.
4 And there are some cards that you can fill out if you
5 want to make a comment or ask a question.

6 And once again, really, the main purpose of
7 that is just to make sure that we have a good record.
8 So what I'd like to do is before we start actually
9 describing the plan, just provide a little bit in the
10 way of background. Thank you.

11 So around the 1950s -- the late 1950s,
12 scientists began to investigate severe declines in
13 populations of bald eagles, peregrine falcons, and
14 several species of marine birds that inhabit the
15 Southern California Bight. It extends down into Baja,
16 California.

17 One cause of these declines appeared to be
18 reproduction failures associated with eggshell thinning.
19 Over time, investigations demonstrated a link between
20 the eggshell thinning and high levels of the pesticide
21 DDT and its by-products found in these birds. High
22 levels of DDTs were also found in sediments, fish,
23 invertebrates, and marine mammals. High levels of
24 another group of industrial chemicals, PCBs, were also
25 found in wildlife and fish.

1 By the 1960s, bald eagles and peregrine falcons
2 had completely disappeared from the Channel Islands, and
3 populations of brown pelicans and other marine birds had
4 also declined dramatically. So, later, because of high
5 levels of DDTs and PCBs found in several fish species
6 and locations, the California State Department of Fish
7 and Game placed restrictions on commercial fishing, and
8 the State issued public advisories to avoid or limit
9 consumption of fish.

10 The Montrose Chemical Corporation operated a
11 pesticide manufacturing facility in Torrance from the
12 late 1940s to the early 1980s. Until its discharge was
13 brought under control in the early 1970s, this facility
14 discharged millions of pounds of DDT into the collection
15 system of the L.A. County Sanitation District, much of
16 which ultimately found its way through the ocean outfall
17 off the Palos Verdes Peninsula into the Pacific Ocean.

18 In addition to the Montrose discharge, there
19 were high levels of PCBs discharged into the LACSD
20 collection system by other facilities in the Los Angeles
21 metropolitan areas.

22 Now, certain properties of these chemical
23 compounds make them especially difficult to address in
24 the environment. They tend to associate with organic
25 matters, so they are bound up in sediments and

1 biological organisms. Second, they are slow to break
2 down. And last, they tend to bio-accumulate in animals,
3 and thus, their concentrations become magnified in
4 animals that are higher on the food chain. So this
5 probably persists today.

6 Sediments tested over the last decade or so
7 indicate that high levels of these chemicals are still
8 in sediments and that they have been transported beyond
9 the region surrounding the wastewater outfall on the
10 Palos Verdes Shelf. Our testing of fish, bird eggs, and
11 other samples reveal that these chemicals also still
12 occur at high levels in biological organisms over a
13 wide-ranging area.

14 The concentrations of DDTs and PCBs in
15 sediments and biota have declined since the major source
16 control work of the 1970s, and some of the natural
17 sources impacted in the past have rebounded. However,
18 even today, DDTs and PCBs persist in the environment of
19 the Southern California Bight at levels that injure
20 natural resources and impair fishing.

21 So, in 1990, the federal and state governments
22 filed suits against the potentially responsible parties.
23 And to pursue our case under the law, we needed to
24 establish strong scientific evidence that these
25 chemicals were harming natural resources. When we were

1 developing our case in the 1990s, we investigated many
2 potential injuries, but ultimately, we focused in on
3 those for which we believed we had the strongest
4 evidence.

5 In the end, the final legal settlement
6 authorizes, among several things, expenditure of funds
7 for the authorization of fishing and fish habitat, bald
8 eagles, peregrine falcons, and seabirds.

9 The government achieved four separate
10 settlements totaling \$140.2 million, and the final
11 settlement was entered into court in 2001.

12 Now, I'd like to briefly explain how these
13 settlements directed funding to different actions. And
14 of the \$140,000,000 total value of the settlement,
15 \$66,000,000 went to the USEPA and the California
16 Department of Toxic Substances Control. Another
17 \$64,000,000 went to the Natural Resource Trustees, and
18 then \$10,000,000 went into a court registry account that
19 we refer to as "swing money." And I'll explain that in
20 a minute.

21 The EPA is pursuing two principal courses of
22 action. In 2001, they signed an interim decision and
23 began what they called their "institutional controls"
24 program. And that program consists of three main
25 activities: "public education and outreach" -- that's

1 aimed at reducing human exposure to contaminated fish --
2 "fish monitoring," which the trustees are performing
3 with the EPA -- and they will speak on that more
4 shortly -- and then "enforcement" to ensure that
5 prohibitions against commercial catching and sale of
6 contaminated fish, we'll call it.

7 The EPA is also investigating the feasibility
8 of directly addressing the contaminated sediments. In
9 2000, they conducted a pilot study to see if it was
10 feasible to drop clean sand from a barge and place a cap
11 over the contaminated sediments. The EPA monitored the
12 cap over time and has issued some preliminary findings
13 that indicate that the pilot capping project had mixed
14 results. The EPA is continuing to collect data on
15 capping and other actions with the intent of releasing a
16 full report on their investigations and a proposed
17 cleanup decision in late 2006.

18 The funding that came to the Trustees goes to
19 reimburse the agencies for the costs of the damage
20 assessment and litigation work itself and to fund
21 on-the-ground restoration work. The current balance in
22 the settlement accounts managed by the Trustees is
23 approximately \$38,000,000.

24 Now, I should explain the purpose of the
25 remaining \$10,000,000 sitting in a separate court

1 registry account. The use of these funds will be
2 dictated by the EPA's final decision on "in situ"
3 remediation of sediments.

4 Should the EPA decide to cap, dredge, or take
5 some other sort of action to address contaminated
6 sediments and should that action require long-term
7 operation and maintenance, the \$10,000,000 in swing
8 money would go to the California Department of Toxic
9 Substances Control to pay for the ongoing maintenance of
10 that remedial action.

11 Should, on the other hand, the EPA decide
12 against pursuing one of those actions, then those funds
13 instead go to the Trustees for additional natural
14 resource restoration work.

15 As I mentioned, we don't anticipate an EPA
16 proposed plan until late next year. The ongoing and
17 future presence of contamination is one of several
18 uncertainties that have to be taken into account in this
19 draft Restoration Plan.

20 So given this and other uncertainties, the
21 Trustees have proposed a phased approach to natural
22 resource restoration. And specifically, this draft
23 Restoration Plan proposes taking actions over the next
24 five years or so for an estimated cost of about
25 \$25,000,000. After this first phase is completed and

1 several current uncertainties are resolved, we will
2 update the plan and allocate remaining restoration funds
3 toward additional restoration work.

4 Let me explain a little bit who the Trustees
5 are. The Natural Resource Trustees are a council of
6 six state and federal resource agencies. These are
7 agencies authorized by federal and state laws to act as
8 "Trustees" on behalf of natural resources that have been
9 injured by releases of oil or hazardous substances.

10 Once the final settlement was achieved in the
11 Montrose case, the Trustees set up the Montrose
12 Settlements Restoration Program. And our purpose is to
13 administer that restoration work. The MSRP itself is
14 staffed by people from different Trustee agencies
15 working as an interagency team, based in Long Beach, and
16 reporting to the Trustee Council.

17 Now, just before I discuss how we develop the
18 plan, I wanted to emphasize a few of the planning
19 assumptions. As I mentioned, there are a number of
20 uncertainties that need to be considered in formulating
21 this draft plan.

22 Based on our analysis of current data, the
23 Trustees have assumed for this Plan that regardless of
24 what actions the EPA may take to address contaminated
25 sediments, substantial amounts of DDTs and PCBs will

1 remain in the Southern California Bight food web for
2 many years.

3 This is not only because of the technical
4 challenges of addressing contaminated sediments at great
5 depth, but also because a large reservoir of
6 contamination still exists in the fish and wildlife
7 themselves and because many of these animals live a long
8 time. The contaminants are slow to break down, and it
9 will take a long time for the contaminants to cycle
10 through the system.

11 Therefore, our plan assumes that consumption
12 advisories will continue to exist for several years and
13 that reproductive impairment of bald eagles on
14 Santa Catalina Island will likely continue for the
15 foreseeable future.

16 Now, on the development of the plan, we
17 initiated the efforts to develop a Restoration Plan in
18 2001, and as a first step, we issued a public scoping
19 document and held several meetings and workshops to
20 gather input on potential restoration ideas, on criteria
21 for evaluating ideas, and other information needs.

22 In the beginning, we had a list of over 100
23 different ideas; and because there was such a large
24 number, we sorted and evaluated them into a two-stage
25 process we refer to as the "Tier 1" and the "Tier 2."

1 In Tier 1, we evaluated ideas against four
2 criteria, and it's the first four listed here. We
3 looked at the connection or the nexus to the injuries of
4 the case, the feasibility of the action, the benefits to
5 the resources that were injured, and then broader
6 ecosystem benefits.

7 All of the projects were put through this first
8 tier of evaluation as summarized in the plan, and the
9 full write-up on the first tier is in our record. And a
10 copy of that is in the meeting room back there in a
11 binder.

12 And as a result of the Tier 1 evaluation, we
13 retained 17 projects, which we then passed through a
14 more detailed Tier 2 evaluation. And the Tier 2
15 evaluation was performed using these same first four
16 criteria, and then we added in two more, one looking at
17 environmental acceptability compliance with the National
18 Environmental Policy Act and the California
19 Environmental Policy Act and then looked also at cost.

20 We then organized the projects into three main
21 comprehensive alternatives: No Action alternative,
22 Alternative 2, which is the preferred alternative, and
23 then the third alternative.

24 And in the Executive Summary is a copy of a
25 table that sort of cross-compares the different

1 alternatives. But before I get into describing the full
2 alternatives, what I'd like to do is turn it over to
3 Dave and Annie to describe some more of the specifics on
4 the fish and bird site.

5 MR. WITTING: Thanks. Okay. I'm going to go
6 back to this idea of the contamination problem being a
7 food-web-level problem and show you a few ways that we
8 talked about restoring some of the injuries associated
9 with that food-web problem but relating to fish and
10 fishing.

11 First, I want to point out that we were -- when
12 litigating this case, we were not able to show that fish
13 themselves were injured. So there are two fish-related
14 injuries that were demonstrated in the case. The first
15 was the role the fish played in the food web was
16 considered to be injured because the -- directly because
17 the existence of fish consumption advisories that were
18 put in place because of contamination of DDTs changed
19 the opportunity of fishing and enjoying fishing.

20 And the second-level injury was the injured
21 fish habitat, because the presence of the DDT in the
22 sediments, changed the way the habitat functioned by
23 manifesting in contaminated fish.

24 So the majority of the fish-related restoration
25 is focusing on this fish-service injury, and a smaller

1 part is on fish habitat.

2 So the fish-service injury again is primarily
3 obvious because of the existence of fish-consumption
4 advisories, typically articulated as "Do not eat white
5 croaker in this location." And we felt that that was --
6 that information was somewhat limited.

7 If you look at the overall fish consumption
8 advisories, there are several problems that we looked at
9 that we thought we could contribute to in terms of
10 restoring that particular injury in terms of providing
11 more comprehensive information. The problems partly are
12 related to the fact that the advisories tend to be very
13 site-specific with very little information between.

14 So we have advisories here for three species at
15 Pointe Dume and then something for Santa Monica Bay and
16 then Redondo Beach for one species. And in a given
17 location, you have one or two species of fish and very
18 little about any other species of fish.

19 And if you look at all of the entire Southern
20 California Bight, there's information on less than 10
21 species. And the key thing here is that there is no
22 information on the other species, not because they were
23 tested and declared clean, but because we don't know in
24 most cases.

25 In addition to that, there's no advisories

1 between those locations, not because the fish were
2 tested and declared safe to eat, but because we've never
3 looked.

4 So one part of this -- and this is something we
5 are working with the EPA Institutional Controls Program
6 as well -- is to conduct a fish contamination survey
7 that has broader coverage, both spatially and in terms
8 of species.

9 So if you look here between Ventura down to
10 Dana Point, each dot is a fish that we collected. So we
11 collected fish as far north as Ventura and as far south
12 as Dana Point with a lot of focus on Santa Monica Bay,
13 Palos Verdes Peninsula, and San Pedro Bay. And in that,
14 we've collected 23 different species of fish that are
15 considered highly valued for sport anglers.

16 And we've measured not only DDT and PCBs but
17 mercury as well because we feel that providing
18 information about DDTs and PCBs alone doesn't give a
19 comprehensive view of the human health risks associated
20 with fish.

21 Mercury is a contaminant of concern for fish
22 all over the world, and we can't say something is safe
23 or not safe to eat unless we know the mercury level. So
24 with that information or that particular set of
25 information is going to be a guiding force for all the

1 fishing-injury types of restoration we are doing, and we
2 should be getting that information in the next month or
3 so.

4 So what I am going to present is more a
5 programmatic level or a conceptual view of how we are
6 going to use these data for different kinds of projects.

7 One thing that we will continue to do and have
8 been doing already to some extent is provide information
9 that will work with the EPA institutional controls to
10 create a common message that is more empowering to
11 fishermen so that instead of simply saying "Don't eat
12 this at this location," say "Avoid this, but here are
13 some species that if you fish for, you reduce your
14 exposure to contaminants by a large margin." I'll give
15 you an example of that in a moment.

16 Now, beyond that, we were thinking, well, how
17 can we make these fish that are perhaps less
18 contaminated available to anglers that may not have an
19 option of going out and targeting them?

20 And so I just want to -- the way we have
21 approached this is perhaps the habitat. The
22 microhabitat that fish live in affects the level of
23 contamination in our fishing, and this is a very
24 simplified version of the habitat you see off the
25 Palos Verdes coast. You have soft-bottom habitat that

1 predominates a large part of that, and you have these
2 rocky-reef habitat.

3 And each of these habitat have different
4 species that live in them. Here's an example of two
5 hard-bottom or rocky-bottom fish: kelp bass and a bar
6 sand surf-bird and a white croaker. And in sand or
7 soft-bottom substrates, we looked at data collected by
8 LACSD right by the White Point outfall, the most
9 contaminated of the Palos Verdes shelf, to see if there
10 are differences in all of these different kinds of fish.

11 So all of these were collected roughly in the
12 same geographical location, but they occupied different
13 kinds of habitat.

14 And this is, I think, the only data slide that
15 we are going to show, but it is pretty important in that
16 if you look at these, the concentrations of DDTs
17 increase as you go this direction. PCBs, they increase
18 as you go this direction. So dots which represent
19 individual fish collected near the White Point outfall,
20 if they are closer to this corner, they are more highly
21 contaminated. If they are closer to this corner, they
22 are less highly contaminated.

23 And these scales are orders of magnitude. So a
24 dot here is a hundred times less or is a hundredth -- a
25 tenth the contamination of a dot here.

1 The important thing to show here is that if you
2 typically fish for white croaker or soft-bottom, you can
3 reduce your exposure of contaminants by three orders of
4 magnitude by simply shifting over to hard-bottom
5 habitat. And that works well if you are fishing on a
6 boat and you simply drive over to the hard bottom and
7 you choose to fish there.

8 But for anglers that fish from shore
9 structures, they don't have that option if the only
10 habitat available within their casting range is
11 soft-bottom. So one of the restoration projects or
12 programs that we are considering in this plan is to go
13 to such shore-based fishing structures which may have --
14 which around the structure may look something like this,
15 all sand or soft-bottom surrounded predominantly by
16 white croaker, build patcheries around them, which we've
17 already shown with earlier studies. White croaker and
18 other soft-bottom fish avoid these structures.

19 These reefs would attract the hard-bottom,
20 less-contaminated fish, and then, over time, this reef
21 would develop into a community, which has been shown to
22 be much more diverse and much more productive providing
23 many -- a much broader range of opportunities for fish,
24 for different species of fish, and also, in general,
25 less contaminated fish. And this is, again, a

1 programmatic proposal in the plan which has a number of
2 different levels to it that I'd be happy to talk about.

3 Okay. Now, the exact locations of where we
4 will put reefs is largely, at the highest level,
5 dependent upon the results of these fish consumption or
6 fish contamination survey because what we look for is
7 areas where the soft-bottom fish are contaminated at a
8 level that limits consumption where the hard-bottom fish
9 are not so contaminated.

10 And from earlier data collected 15 years ago,
11 as long as 20 years ago, it suggests that this region
12 would be a viable area where that kind of reef-building
13 activity could be done. And this region in here would
14 also be a viable area.

15 Now, the earlier data we have suggests that
16 this region here, everything is too contaminated to do
17 this kind of work. However, this may have changed, and
18 we will see what the results of the survey say. We may
19 actually be able to target this region in here, too,
20 depending upon the results of that.

21 Okay. So that's what we are proposing to do in
22 terms of trying to restore the opportunity to fish for
23 fish in the area affected by fish-consumption
24 advisories.

25 The other aspect is working on improving fish

1 habitat. In this case, we adopted an approach where we
2 were looking for projects where we could increase
3 production of fish by restoring or improving habitat
4 adjacent to the highly contaminated area in a way that
5 would hopefully produce clean fish to the Southern
6 California Bight. So it's a much broader approach to
7 the restoration.

8 And in this case, we've identified two types of
9 programs that we can do that would increase production
10 of fish adjacent to or within the Southern -- adjacent
11 to the contaminated area or within the Southern
12 California Bight in general. And the first is by
13 working with existing or proposed wetland restoration
14 programs that are where the wetland restoration is
15 specifically designed to create nursery habitat for
16 coastal marine fish such as California Halibut. Again,
17 this will be working in partnership with other
18 restoration programs to augment those programs to
19 increase their productivity.

20 And the second is to -- we are calling it
21 augmenting the implementation of MPAs. In this case, we
22 consider it actually creating MPAs ourselves; and due to
23 the complexity and the potential for negative feedback
24 in creating an MPA at this time, we felt it would be
25 more productive to actually become part of the process

1 of evaluating the MPAs that are in place in the northern
2 Channel Islands, and in that way, it would promote
3 developing that tool as a management tool for fish in
4 Southern California and hopefully result in better
5 managed fish and therefore more productive fisheries.

6 Okay. So that's a summary of the fish
7 projects, and Annie will talk about the eagles and
8 seabirds.

9 MS. LITTLE: Bald eagles are one of the
10 priority bird resources that are targeted in our
11 restoration plan, and the overall MSRP goal for bald
12 eagles is to restore them to the Channel Islands. These
13 islands were historically a stronghold for the species
14 with a minimum of 35 nesting territories throughout the
15 islands.

16 By the early 1960s, bald eagles disappeared
17 from the islands due to a combination of factors such as
18 eggshell thinning and persecution from humans. The
19 first steps to restore this species were initiated on
20 the Channel Islands in 1980 with the release of bald
21 eagles on Catalina Island. And from 1980 to 1986, 33
22 eagles were released as part of this program.

23 In 1987, the first bald eagle eggs were laid.
24 However, they soon broke in the nest after they were
25 laid due to the continuing effects of eggshell thinning

1 since 1989. Eagle pairs on Catalina have been actively
2 maintained by humans by a series of nests where the wild
3 eggs are removed from the nest, placed in an artificial
4 incubation facility, and chicks are later fostered back
5 into the nest since the Catalina program has been funded
6 over the last 25 years from a variety of sources and the
7 trustee council started contributing to this program in
8 the late 1990s during the damage-assessment phase and
9 started fully funding the program in 2001.

10 Despite the efforts to restore bald eagles to
11 Catalina Island, the persistence of DDT in the food web
12 has prevented the natural covering of the species on
13 Catalina Island, whereas their numbers on the mainland
14 continue to increase annually.

15 The picture on the left illustrates the
16 continued effects of DDT contamination on Catalina
17 Island bald eagle eggs. The contaminated eggs are
18 thinner and weaker than healthy bald eagle eggs and tend
19 to break under the weight of incubating adults. Because
20 these eggshells are thinner, they also tend to lose
21 water more rapidly and die.

22 Since the beginning of the program 25 years
23 ago, no Catalina Island bald eagle eggs have hatched
24 naturally in the wild. And even when these eggs are
25 removed and placed in an artificial incubation facility,

1 the hatching success has remained low. Of the 91 eggs
2 that were removed from nests on Catalina Island and
3 incubated during the period of 1989 to 2005, only 17 of
4 them have hatched.

5 Although we cannot fully predict the future,
6 evaluation of contaminant levels in eggs from the late
7 1980s to present does not indicate that contaminant
8 levels are declining such that eagles on Catalina Island
9 will be able to reproduce on their own or be
10 self-sustaining in the foreseeable future.

11 In light of the ongoing challenges of bald
12 eagle restoration on Catalina Island, the trustee
13 council initiated a study to determine the feasibility
14 of restoring bald eagles to the northern Channel
15 Islands. This study began in the summer of 2002 and is
16 approximately five to seven years in length. This study
17 involves the release of 12 captive, bred, or
18 translocated wild bald eagles per year on Santa Cruz
19 Island. And birds are taken to this, like a hack tower
20 similar to this one at about eight weeks of age, and are
21 later released at 12 weeks of age.

22 As part of this study, a comprehensive
23 monitoring program has been developed that tracks the
24 movements and forging patterns of the released eagles.
25 It monitors the DDT and PCB contaminant levels in the

1 birds at various intervals, and it also monitors the DDT
2 and PCB levels in potential prey items around the
3 northern Channel Islands so that we can have a picture
4 of the potential exposures that these birds are faced
5 with.

6 Because eagles tend to breed between four to
7 five years of age, we anticipate getting the initial
8 results of breeding attempts around 2007 to 2008. The
9 hope is that eagles on the northern Channel Islands will
10 be able to successfully reproduce on their own and will
11 be less exposed to contaminated resources.

12 Because the council does not know the outcome
13 of the feasibility study at this time, future decisions
14 regarding bald eagle restoration efforts on the
15 Channel Islands can be illustrated conceptually in this
16 simplified decision tree.

17 The fundamental question will be whether or not
18 eagles can reproduce on their own on the northern
19 Channel Islands. If the answer is yes, then the trustee
20 council proposes to continue additional restoration
21 activities on the northern Channel Islands such as
22 releasing additional birds and continuing a
23 comprehensive monitoring program.

24 However, if the answer is no and eagles cannot
25 successfully reproduce, then the council proposes to

1 just continue some minimal-leveled monitoring and then
2 reallocate excess funds to seabird restoration projects.

3 In either case, the Trustees proposed to cease
4 funding of the Catalina Island bald eagle program after
5 this year. The preferred alternative reflects the
6 trustee council goal to fund projects that are
7 self-sustaining in nature and proposes to discontinue
8 funding for bald eagle restoration efforts that are
9 unsuccessful due to ongoing contamination of the food
10 web.

11 Peregrine falcons are another target resource
12 of the restoration plan, and historically, up to 30
13 pairs nested on the Channel Islands. However, this
14 species similar to the bald eagle was also extricated
15 from the Channel Islands due to DDT eggshell thinning.
16 A successful release program was established for
17 peregrine falcons, and in 1980, a program to reestablish
18 them on the Channel Islands was initiated. And the
19 first successful breeding pair was in 1987 on
20 San Miguel Island in the northern Channel Islands.
21 Since that time, the number of peregrine falcon pairs
22 has increased steadily, particularly on the northern
23 Channel Islands.

24 However, due to lack of systematic surveys on
25 the southern Channel Islands, the trustee council funded

1 a study last year to determine whether or not peregrines
2 had reestablished as well on the southern
3 Channel Islands.

4 And they undertook a study of Catalina Islands
5 in 2004. As of last year, an estimated 21 breeding
6 pairs were believed to occupy the territories on the
7 Channel Islands, including two on Catalina Island.

8 In light of the ongoing recovery of this
9 species on the Channel Islands, the natural recovery of
10 the species on the Channel Islands, the trustee council
11 proposes that additional active restoration efforts for
12 the species is not necessary at this time.

13 Rather, it is more important to adequately
14 monitor the recovery of this species since systematic
15 surveys have not been completed since the early 1990s.
16 The preferred alternative for peregrines includes
17 conducting updated surveys so that we can understand
18 their status, distribution, and current contaminant
19 levels on the Channel Islands.

20 And, finally, the last resource that this plan
21 looks at for birds is seabird restoration projects, and
22 a total of southern projects are included in the
23 alternative, which targets nine different seabirds for
24 which we have evidence of eggshell thinning due to DDT
25 levels, including the brown -- California Brown Pelican

1 or the Ashy Storm-Petrel. These projects are located
2 throughout the islands, including the Baja, California,
3 Pacific Islands, and fall into three specific
4 categories: Habitat restoration -- and some of these
5 projects overlap these different categories such as the
6 restored alcids to Santa Barbara Island, which is a
7 combination of habitat restoration and social
8 attraction. And this particular project aims to improve
9 from the early 1900s, and basically, this project is to
10 restore native habitat on the island and socially
11 attract the species back onto the island by using
12 vocalization playback systems so that birds will be
13 attracted to suitable habitat areas.

14 This particular project also aims to increase
15 the number of breeding pairs of xantu murrelets on the
16 island by enhancing currently occupied areas.

17 Several other seabird projects are focused on
18 the removal of nonnative predators, and nonnative
19 predators have had a major impact on seabird populations
20 worldwide, particularly in isolated ecosystems such as
21 islands. The restored seabirds to San Miguel Island
22 aims at eradicating the nonnative black rat from
23 San Miguel Island, one of the Channel Islands, in order
24 to enhance nesting habitat for a variety of seabirds
25 such as the Ashy Storm-Petrels on Anacapa Island.

1 So that's just a sample of seabird projects
2 that we are providing, and Greg is going to come back
3 and explain the alternatives.

4 MR. BAKER: So I will just summarize kind of
5 where this all comes together, and we will open up the
6 meeting for questions and comments.

7 In your executive summary, there's a diagram
8 that explains the second alternative, the preferred
9 alternative, which consists of the four projects that
10 Dave was describing. It's public education on fishing,
11 construction of artificial reefs and fish-access
12 improvements, restoration of wetlands, and a funding for
13 marine-protected areas in the Channel Islands.

14 On the bird side, the bald eagle proposed
15 option is to shift our focus to the northern
16 Channel Islands and to see if we can find a sustainable
17 solution for bald eagles there. And then about a
18 quarter of the funds remain for seabird restoration
19 projects and peregrine falcons. As Annie mentioned, the
20 trustee council is not proposing any additional active
21 restoration at this time but simply some additional
22 monitoring to make sure that they are, in fact,
23 recovering naturally.

24 And the preferred option -- the preferred
25 alternative consists of, really, a broad sweep of

1 projects that cover a wide range in area. I think part
2 of the trustee council was to have a diverse set of
3 actions that come out of the restoration.

4 Alternative 3 was constructed to provide sort
5 of a counterpoint to the preferred alternative. And
6 what's different about Alternative 3 from Alternative 2
7 is primarily two things: One is in the fishing and fish
8 habitat category. More emphasis is placed on fishing
9 restoration in recognition of the fact that there is an
10 ongoing fishing injury. So the proposal in
11 Alternative 3 would be to use all of the funds for
12 construction of artificial reefs and fishing access
13 improvements and for public information on fishing. And
14 we would not include in this alternative funding for
15 wetlands restoration or for marine-protected areas.

16 Another difference in Alternative 3, how it is
17 different from Alternative 2, is the way we approach
18 bald eagle restoration. What Alternative 3 puts forward
19 is an approach which continues the maintenance of bald
20 eagles on Catalina. It continues to pursue the study in
21 the northern Channel Islands. If the study in the
22 northern Channel Islands results in a finding that birds
23 are able to reproduce on their own in the northern
24 Channel Islands, then and only at that point would you
25 cease the effort on Catalina and focus attention on the

1 northern Channel Islands.

2 If the outcome of the study in the northern
3 Channel Islands was negative and if those birds also had
4 severe reproductive impairment, then this program or
5 this alternative would propose that we would just
6 continue to maintain bald eagles on Catalina island, you
7 know, as long as the funds were available.

8 And for that reason, in this alternative, you
9 see a larger proportion of the funds going toward bald
10 eagle restoration in anticipation of the fact that the
11 situation on Catalina is not really improving, and it's
12 likely that we are going to need to maintain bald eagles
13 there for a long time.

14 And one consequence of doing that is that you
15 have a proportionately smaller amount of funds available
16 for seabird restoration. So the trade -- one of the
17 trade-offs in Alternative 3 versus Alternative 2 is you
18 would do less seabird restoration because you are
19 reserving more funds for bald eagle restoration.

20 So that's basically it. We've had two public
21 meetings so far. This is the third one, and then we had
22 another one in a couple weeks up in Ventura.

23 And what I'd like to do now is turn on the
24 lights and open up for questions, comments, and like I
25 said, beginning -- it would be great, if you had a card,

1 if we could sort of take questions and comments in some
2 order, make sure that we get a name and affiliation
3 because we are keeping notes on the meeting.

4 At your option, you can either go ahead and ask
5 your question, or you can have me ask the question. So
6 the first card I have is from Leslie Baer.

7 MS. BAER: That's me. Hi. My name is
8 Leslie Baer. I represent the Catalina Island
9 Conservancy, and for the record, I wanted to add some
10 new data. We have a new hatching facility on
11 Catalina Island, and three weeks ago, three chicks out
12 of nine eggs collected hatched and were successfully
13 fostered into nests doubling the success rate of the
14 eggs that previously were sent all the way to
15 San Francisco to be hatched. So we are very excited
16 about that.

17 I know that the president of conservancy,
18 Ann Muscat, addressed the council. So I'm not going to
19 go over every issue, but I do feel it's important to
20 talk to the public and people here why the Catalina
21 Island Conservancy respectfully disagrees with the
22 proposal, the alternatives.

23 Today, there are 20 bald eagles that call
24 Catalina island home, thanks to the comprehensive
25 restoration efforts of the Institute for Wildlife

1 Studies, which has provided data here and which provided
2 data for the original settlement to be pursued. And we
3 work with them, and we protect the island habitat in
4 which the bald eagles call home.

5 While the conservancy's restoration and
6 protection efforts are privately funded, the intensive
7 efforts by the Institute for Wildlife Studies have, in
8 recent years, as you've heard, been funded by the monies
9 provided by the Montrose Settlement. The current
10 proposal by Montrose would reallocate these funds to
11 efforts, as you've heard, on the northern
12 Channel Islands and well south into Mexico.

13 We respectfully disagree with the alternatives
14 favored by the trustees, which will discontinue funding
15 of eagle restoration on Catalina, which could have a
16 number of highly undesirable impacts that I wanted to
17 talk to you about.

18 There are a number of reasons to continue
19 funding Catalina's bald eagle restoration and taking it
20 a step further even to allocate additional funding for
21 peregrine falcons and bring fisheries restoration. I'm
22 going to state six of those reasons to you today. We
23 have a lot more.

24 First, it's too soon to abandon the effort on
25 Catalina Island. Actually, according to the most recent

1 data by the Institute for Wildlife Studies, who has
2 provided data to you, there are bald eagle eggs on
3 Catalina Island that are close to being able to attach
4 on their own. DDT levels, in fact, have decreased in
5 one of the pairs of nesting eagles, and the institute is
6 predicting that within five years, those eagle chicks
7 could be able to hatch on their own.

8 A second reason to continue funding is that in
9 the absence of human intervention, which, as you've
10 heard, is now ensuring the reproduction, the bald eagles
11 now present on Catalina Island could leave the island if
12 they couldn't reproduce over the next few years, and in
13 fact, the reallocation of funds could mean the
14 disappearance once again of bald eagles from Catalina,
15 the island hardest hit by the Montrose dumping. And
16 since many eagles produced on Catalina relocate to the
17 northern Channel Islands, discontinuing funding on
18 Catalina could negatively impact restoration efforts on
19 all of the Channel Islands.

20 A third reason to continue funding restoration
21 on Catalina Island is that based on the stated goals of
22 the settlement, public access to bald eagles should be a
23 priority with more than a million visitors each year.
24 And as the only Channel Island with significant
25 visitation, Catalina Island is the one place in

1 Southern California that a significant number of people
2 can visit to enjoy bald eagles in a natural setting.

3 Since the Montrose Settlement was meant to
4 restore the natural resources to the public, we feel
5 strongly that Catalina should be a priority where
6 funding restoration efforts are concerned. A further
7 reason is that settlement monies are most appropriately
8 used on and near Catalina.

9 Montrose Settlement monies were meant to
10 address damaged natural resources such as bald eagles
11 that were impacted by DDT and PCBs directly. These
12 monies were not meant for addressing the impacts of
13 introduced predators and invasive plant species that are
14 negatively impacting seabird populations.

15 The trustees are proposing that as an
16 alternative to funding the important bald eagle or
17 peregrine falcon restoration work on Catalina or
18 fisheries restoration around Catalina, that the monies
19 be reallocated to bald eagle and marine restoration on
20 the northern Channel Islands and for the eradication of
21 cats and rats, some of which would be done in Mexico.

22 These locations are far from Catalina and the
23 San Pedro Basin, the site of the greatest impacts of the
24 dumping. In order to meet the stated goals of the
25 Montrose Settlement, these funds should be applied in

1 the areas of greatest impact, making Catalina Island and
2 its surrounding waters, the most appropriate site for
3 the use of Montrose Settlement funds.

4 A fifth reason for funding bald eagle
5 restoration on the island, Catalina's endangered fox may
6 be at risk. While it is too early to know, it is
7 possible that the presence of bald eagles on Catalina
8 deters the formation of golden eagle populations. As
9 probably most of you know, golden eagles have decimated
10 island fox populations in the northern Channel Islands.

11 Discontinuing bald eagle restoration efforts on
12 Catalina is simply too risky to the continued recovery
13 of the Catalina Island fox, which is federally listed as
14 an endangered species and is found on Catalina Island
15 and nowhere else in the world. You may know that the
16 population decreased from 1300 to 300 after
17 kinines tempers hit the island, and we are still in
18 recovery for those animals.

19 A sixth reason for funding on Catalina Island
20 is pure economics. Catalina is the most cost effective
21 of Montrose money. It is an investment in comprehensive
22 eagle effort, which includes the intervention still
23 necessary to ensure reproduction and the protection and
24 restoration of bald eagle habitat that the conservancy
25 does and outreach efforts. We have a very large

1 education program that engenders an appreciation of
2 these magnificent birds and inspires the public to
3 support their reestablishment and protection.

4 The preferred alternative is spend settlement
5 money on species in far away places, and we are asking
6 that a local folk be established.

7 In conclusion, I would respectfully suggest to
8 all of you today that it is not only imperative the bald
9 eagle restoration efforts on Catalina continue to be
10 funded, but also that funding bald eagle restoration on
11 Catalina Island is the very best use, for the reasons
12 I've stated, for the Montrose dollars. And it's the
13 only use that even begins to meet the goal of the
14 settlement to return this resource to the public. Thank
15 you.

16 MR. BAKER: Thanks, Leslie. I don't know if
17 there's other cards. I just want to address a couple of
18 things. One is that this question of seabird
19 restoration, the legal settlement specifically
20 identifies the uses of the restoration funds and
21 identifies bald eagles, peregrine falcons, and seabird
22 and seabird habitat, fishing and fish habitat. So it's
23 within the scope of the use of these settlement funds to
24 do restoration work on several species.

25 And as Annie mentioned, the bald eagle has

1 always been a resource for the trustees, and the
2 trustees' emphasis is on finding solutions that will
3 last not just for a few years, but will be sustainable
4 in the long-term. We've also -- we've worked closely
5 with the Institute of Wildlife Studies.

6 We convened a workshop in 2004 and invited
7 several experts to come and look at the data and advise
8 the trustee council on interpretation of what's going
9 on, on Catalina. And from that, we concluded that the
10 situation, while it may fluctuate year after year,
11 there's no statistical trend that would indicate that
12 you have a reason to think that bald eagles on Catalina
13 are going to be able to reproduce on their own in the
14 near term.

15 And so, really, decisions on what to do with
16 the Catalina program, we think, should be based on that
17 information. If people feel that the bald eagle program
18 on Catalina is legitimate to continue for the
19 foreseeable future, regardless of whether or not these
20 contaminant levels are going to decline, then that's
21 certainly a point of view that people can offer. Is
22 there another?

23 Okay. Michael Lyons from the water board.

24 MR. LYONS: Yes. Thanks. Overall, the
25 regional board is supportive of the projects that have

1 been identified in the alternatives. It seems like a
2 good mix to the projects. We are particularly
3 interested in restoring title wetlands and would
4 encourage you to look at the recommendations that come
5 out of the Southern California Wetlands Recovery Project
6 because they will be recommending some good projects,
7 and certainly, they could use the funding that this
8 project could supply.

9 And then another special interest of ours is
10 trying to do some monitoring to demonstrate the
11 effectiveness of marine-protected areas and to see if
12 that designation actually results in increasing fish
13 population. So things that are proposed in the plan
14 would be very good to see if that management tool is
15 actually doing what we think it should.

16 MR. BAKER: Thanks. Guillermo Jaimes from the
17 FCEC.

18 MR. JAIMES: I just have a question about the
19 alternatives you mentioned in the plan that you
20 proposed. They kind of have set, like, options within
21 each alternative. I was wondering if you were
22 considering being able to shift some of those options
23 around and what your process is for that.

24 MR. BAKER: Sure. Actually, we constructed
25 these alternatives, sort of these packages of projects

1 for really the benefit of having some sort of organized
2 analysis of the trade-offs in pulling different projects
3 together; but we are open to comments or, you know,
4 recommendations on specific projects. So we are not
5 necessarily limiting comment on you either have to pick
6 Alternative 2 or Alternative 3. If you want to
7 construct Alternative 4 that represents some other sort
8 of mix of things, that's perfectly -- the council would
9 be interested in hearing that.

10 More questions or comments? Well, I'll
11 suggest, I guess, that we go ahead and sort of end the
12 formal meeting. Feel free to just kind of come up and
13 ask us questions, or we can just have some additional
14 sidebar discussions. Thanks. Thank you all for coming.

15 (End of meeting at 11:07 a.m.)
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CERTIFICATE

OF

CERTIFIED SHORTHAND REPORTER

The undersigned certified shorthand reporter
of the state of California does hereby certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth;

That the testimony was recorded
stenographically by me and thereafter transcribed, said
transcript being a true copy of my shorthand notes
thereof.

In witness whereof, I have subscribed my name
this date May 10, 2005.

Janna B. Brown
Certificate No. 8570

Thursday, April 28
LB Federal Building

Name	Affiliation
21. Ned Black	USEPA
22. Carmen White	USEPA
23. Michael Lyons	LANWQCB
24. AMIREH GHORB	IAI
25. Guillermo Jaimes	FEEC/IAI
26. Eric Maggillo	FEEC
27. Dave Parker	CDFG
28. Leslie Baer	Catalina Island Conservancy
29. Lena Maun	POLA
30. Stewart Ladines	LBCC student
31. Kris Hansen	LB Press Telegram
32. Giancarlo Cetrulo	SEA Lab
33. Sonce de Vries	USFWS
34. Scott Sobiech	USFWS
35. Kit Fox	
36. Leslie Baer	SEA Lab
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43.	



MSRP PUBLIC MEETING COMMENT/QUESTION CARD

Name: Stancarlo Getrulo

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This is a: Formal Comment Question

I would like to see this issue addressed in the MSRP Final Restoration Plan/EIS/EIR.

PLEASE PROVIDE COMMENTS / QUESTIONS ON THE BACK OF THIS FORM.



MSRP PUBLIC MEETING COMMENT/QUESTION CARD

Name: Guillermo James

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This is a: Formal Comment Question

I would like to see this issue addressed in the MSRP Final Restoration Plan/EIS/EIR.

PLEASE PROVIDE COMMENTS / QUESTIONS ON THE BACK OF THIS FORM.

Comment / Question:

With regards to wetland restoration, what areas would be targeted for restoration?
Is habitat agriculture an option, given the limited wetland areas available for restoration?
What type of habitat restoration is required for alacids on Santa Barbara island?
What, if any, materials have been suggested for building hard bottom structures?

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Comment / Question:

Are you looking at the alternatives in fixed packages or can the various components be mixed or changed?

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MSRP PUBLIC MEETING COMMENT/QUESTION CARD

Name: Michael Lyons

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This is a:

Formal Comment

Question

I would like to see this issue addressed in the MSRP Final Restoration Plan/EIS/EIR.

PLEASE PROVIDE COMMENTS / QUESTIONS ON THE BACK OF THIS FORM.



MSRP PUBLIC MEETING COMMENT/QUESTION CARD

Name: Leslie C. Baer

Affiliation: Catalina Island Conservancy

Address: _____

City: _____ State: _____ Zip: _____

Email: lbaer@catalinaconservancy.org

This is a:

Formal Comment

Question

I would like to see this issue addressed in the MSRP Final Restoration Plan/EIS/EIR.

PLEASE PROVIDE COMMENTS / QUESTIONS ON THE BACK OF THIS FORM.

Comment / Question:

The LARWQCB supports the projects outlined in Alternative 2. We particularly endorse the concept of restoring full tidal exchange wetlands. We recommend that MSRP contribute funding to implement the recommendations of the Southern California Wetland Recovery Project as those are formulated and released. We also strongly support monitoring to demonstrate and document the effectiveness of Marine Protected Area designations to restore fish populations.

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Comment / Question:

Comments regard Catalina Island Conservancy concerns

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