CALIFORNIA DEPARTMENT OF FISH AND GAME
OFFICE OF SPILL PREVENTION AND RESPONSE
NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION

Montrose Settlements Restoration Program Phase 2 Restoration Plan
Environmental Assessment/Initial Study

NOTICE IS HEREBY GIVEN that the California Department of Fish and Game, Office of Spill Prevention and Response (CDFG/OSPR) intends to adopt a Negative Declaration in the matter of the Montrose Settlements Restoration Program Phase 2 Restoration Plan Environmental Assessment/Initial Study (Phase 2 Restoration Plan). A 45-day public comment period was held for the Draft Phase 2 Restoration Plan and ended on December 19, 2011. The public comments received and responses to those comments are located in Section 6 of the Phase 2 Restoration Plan. Also, two (2) public meetings were held for the Draft Phase 2 Restoration Plan: October 26, 2011 at the Channel Islands National Park Visitor Center Auditorium in Ventura, California and November 9, 2011 at the Point Vicente Interpretive Center in Rancho Palos Verdes, California.

The Natural Resource Trustees for the Montrose Case (Trustees) developed the Phase 2 Restoration Plan to restore natural resources injured and natural resource services lost due to historic releases of *dichlorodiphenyltrichloroethanes* (DDTs) and *polychlorinated biphenyls* (PCBs) into marine waters of the Southern California Bight. The Trustees are comprised of six federal and state agencies: the National Oceanic and Atmospheric Administration; the U.S. Fish and Wildlife Service; the National Park Service; the California Department of Fish and Game; the California State Lands Commission; and, the California Department of Parks and Recreation. The Phase 2 Restoration Plan is tiered off of the 2005 Final Restoration Plan and Programmatic Environmental Impact Statement and Environmental Impact Report.

The following Phase 2 Restoration Plan preferred restoration projects are covered by the proposed Negative Declaration: kelp forest restoration on the Palos Verdes Shelf; monitor Bald Eagles on the Channel Islands; monitor the recovery of Peregrine Falcons on the Channel Islands; restore Alcids to Santa Barbara Island; restore Ashy Storm-Petrels on the Channel Islands; restore seabirds to Scorpion Rock; reduce seabird disturbance on the Channel Islands; and restore seabirds to Prince Island (located off of San Miguel Island within the Channel Islands National Park).

CDFG/OSPR will receive comments on the proposed Negative Declaration starting on April 10, 2012 and ending on May 10, 2012. Copies of the proposed Negative Declaration and documents referenced in the proposed negative declaration are available for review at CDFG/OSPR at 1700 K Street, Suite 250, Sacramento, California 95811, on the Montrose Settlements Restoration Program website (www.montroserestoration.gov) or by contacting NOAA Montrose Settlements Restoration Program staff at (562) 980-3247 or msrp@noaa.gov.

Date: April 5, 2012

DEPARTMENT OF FISH AND GAME
Office of Spill Prevention and Response

Julie Yamamoto FOR

Scott D. Schaefer
Administrator (Acting)

CALIFORNIA DEPARTMENT OF FISH AND GAME
OFFICE OF SPILL PREVENTION AND RESPONSE
NEGATIVE DECLARATION

Montrose Settlements Restoration Program Phase 2
Restoration Plan Environmental Assessment/Initial Study

Background:

The Montrose Settlements Restoration Program Phase 2 Restoration Plan Environmental Assessment/Initial Study (Phase 2 Restoration Plan) addresses natural resources injuries resulting from historical releases of *dichlorodiphenyltrichloroethanes* (DDTs) and *polychlorinated biphenyls* (PCBs) by the Montrose Chemical Corporation facility in Los Angeles, California and other facilities into the Southern California marine environment. The following six (6) federal and state agencies (Trustees) are responsible for planning and implementing natural resource restoration pursuant to the settlements of the Montrose case: the National Oceanic and Atmospheric Administration (NOAA); the United States Fish and Wildlife Service; the National Park Service; the California Department of Fish and Game (CDFG); the California State Lands Commission; and the California Department of Parks and Recreation. These agencies have established a Trustee Council on which NOAA is the lead Trustee and the federal lead agency for National Environmental Policy Act (NEPA). The CDFG Office of Spill Prevention and Response (CDFG/OSPR) is the state lead for the California Environmental Quality Act (CEQA). Under the terms of the final Montrose Consent Decree and the Trustee Council Memorandum of Agreement, the Trustees retain joint authority and responsibility to use the damages received to reimburse past damage assessment costs, restore injured natural resources, and compensate for the loss of services they provide.

The Phase 2 Restoration Plan is tiered off of the 2005 Final Restoration Plan and Programmatic Environmental Impact Statement and Environmental Impact Report (Phase 1 Restoration Plan) and consists of restoration actions aimed at restoring resources impacted by the historic releases of DDTs and PCBs. Some or the preferred restoration projects will be initiated in the near-term while others have been selected conditionally and must await the outcome of further study, testing, and public review prior to final selection and implementation. The Subtidal Reef Restoration on the "Palos Verdes Shelf" project requires further planning and development before it will be ready for analysis under CEQA or NEPA; and, therefore, is not covered in this Negative Declaration. The "Restore Seabirds to Baja California Pacific Islands" project will be conducted in Mexico, in cooperation with the government of Mexico, subject to compliance with Mexican environmental laws and policies. Additionally, the Trustees funded a data gap study related to California Condors and the potential exposure to *dichlorodiphenyldichloroethylene* (DDE) related to contaminated marine mammal carcasses. Based on the results of these studies, the Trustees may decide to fund further research or restoration activities for the California condor. Any such further restoration activities may trigger subsequent NEPA and CEQA analysis. The remaining preferred restoration projects are covered by this Negative Declaration and are described below.

Preferred Restoration Projects:

- *Palos Verdes Kelp Forest Restoration*

Urchin barrens have remained a limiting factor to kelp growth in southern California partly due to the lack of sea urchin predators including sea otters, large sheep head, and large lobster. When urchin populations are left uncontrolled, they consume kelp holdfasts, which anchor kelp plants to the seafloor. Once the holdfasts have been consumed, the kelp plant floats away,

resulting in large-scale deforestation. In this state, urchins continue to consume algae, including new kelp recruits, resulting in a loss of diversity and productivity. This degraded state comprised of urchins and bare substrate is commonly termed an "urchin barren." Once established, urchin barrens can be very stable and are well known to last for decades.

This project will employ an urchin relocation method. Initial monitoring of the reefs using CRANE methodology will provide baseline information for comparison and measure project success. Urchin relocation will be accomplished using SCUBA divers who will remove urchins from the seven existing urchin barrens one site at a time for three years.

The projected timeline of the project is three years in order to conduct restoration of all seven sites. The overall strategy using commercial urchin divers allows simultaneous work of three restoration sites during Year 1, three (3) sites during Year 2, and two (2) sites during Year 3. All sites will be monitored before and after restoration work is conducted.

- *Monitor Bald Eagles on the Channel Islands*

This project monitors the Bald Eagles on the Channel Islands to determine if those that were reintroduced during implementation of the Phase I Restoration Plan, along with additional recruits, have established a self-sustaining population. The monitoring program will continue to focus on breeding activities, investigation of diet, survival and contaminant analysis. The program will shift from extensive year-round monitoring to a more directed focus of understanding the eagle's annual population status.

- *Monitor the Recovery of Peregrine Falcons on the Channel Islands*

This project consists of two comprehensive monitoring efforts on the Channel Islands in addition to those undertaken as part of the Phase 1 Restoration Plan. During Phase 2, biologists will monitor active Peregrine Falcon territories to determine their reproductive success and levels of DDTs and PCBs will be measured from egg and blood samples.

- *Restore Alcids to Santa Barbara Island*

This project continues and expands the Phase 1 Restoration Plan restoration work on Santa Barbara Island. Biologists will expand existing plant restoration sites and add new sites. Restoration work consists of removing non-native vegetation and planting native plants. Biologists will also install nest boxes and social attraction devices on Santa Barbara Island and continue monitoring of seabirds.

- *Restore Ashy Storm-Petrels on the Channel Islands*

The Phase 1 Restoration Plan included a proposed project on Anacapa and Santa Cruz Islands to restore Ashy Storm-Petrels, but the work was not completed Biologists will continue to work on these projects in Phase 2 but may also expand the project to include restoration projects throughout the Channel Islands as necessary for the recovery of the species. The Montrose Settlements Restoration Program (MSRP) plans to improve nesting habitat, install social attraction devices, install artificial nesting boxes, perform annual monitoring at nest sites, and perform contaminant analysis.

- *Restore Seabirds to Scorpion Rock*

The goal of this project is to restore habitat for the Cassin's Auklet, Ashy Storm-Petrel, and other nesting seabirds on Scorpion Rock located off Santa Cruz Island. This project is a continuation and expansion of the restoration work begun on Scorpion Rock as part of the Phase 1 Restoration Plan. Restoration efforts undertaken during Phase 1 have resulted in the establishment of numerous native plants on the rock and the reduction in cover by non-native vegetation, principally ice plant. Despite aggressive efforts to remove ice plant on the rock, continued effort is needed to restore the site until the native plants can fully establish and outcompete the ice plant and other exotic vegetation. Habitat restoration work will continue removing exotic vegetation and revegetating the rock with native plants. These plants will be propagated in a nursery on Santa Cruz Island obtained from local seed at Scorpion Ranch. Restoration actions will also include enhancing the nest boxes used by the Cassin's Auklet and monitoring their reproductive success.

- *Reduce Seabird Disturbance on the Channel Islands*

This project will build upon on-going seabird disturbance reduction efforts that have been developed and implemented by other groups (with funding from other natural resource damage settlements). Primarily this project will focus on developing and enforcing appropriate seabird colony protective measures, educating the public and specific user groups about protective measures, and evaluating program effectiveness for integration into statewide seabird management programs.

- *Restore Seabirds to Prince Island*

The goal of this project is to enhance seabird nesting habitat on Prince Island, located off of San Miguel Island within the Channel Islands National Park. Restoration activities include removal of non-native vegetation, stabilizing the soil, establishment of prickly pear and other native vegetation, and improvement and installation of nest boxes for Cassin's Auklets (and potentially Ashy Storm-Petrels). These activities aim to: (1) increase recruitment; (2) increase reproductive output; and (3) decrease egg and chick mortality by providing safe breeding habitat.

Although small in size, Prince Island provides critical seabird nesting habitat for a variety of seabirds, including Brandt's Cormorants, Ashy Storm-Petrels, Cassin's Auklets, Leach's Storm-Petrel, Double-Crested Cormorant, Pelagic Cormorant, and Pigeon Guillemot. The proposed restoration activities will help stabilize seabird habitat that is currently threatened by erosion in certain areas. The installation of nest boxes will provide additional secure habitat for breeding seabirds and will reduce researcher disturbance during monitoring activities. The establishment of additional native vegetation will further reduce erosion and provide natural breeding sites. Additional habitat will also become available through the removal of non-native vegetation that often excludes burrow nesting seabirds.

Public Involvement:

The Draft Phase 2 Restoration Plan was widely disseminated to individuals, organizations, and government agencies, and was posted on the MSRP website. A 45-day comment period was opened on the draft Restoration Plan and ended on December 19, 2011. The public comments

received and responses to those comments are located in Section 6 of the Phase 2 Restoration Plan.

The Trustees also conducted two (2) public meetings in the affected locations to accept comments on the Draft Phase 2 Restoration Plan. The Trustees publicized the public meetings and the release of the Plan by posting announcements on event calendars, issuing press release, being featured in articles in local papers and radio, and posting flyers at local businesses. The public meetings were held on October 26, 2011 at the Channel Islands National Park Visitor Center Auditorium in Ventura, California and on November 9, 2011 at the Point Vicente Interpretive Center in Rancho Palos Verdes, California.

Environmental Consequences:

The Phase 2 preferred restoration projects for which the Phase 2 Restoration Plan constitutes final environmental analysis and which are subject to CEQA will not have a significant effect on the environment. CDFG/OSPR bases this finding on the information provided in the Environmental Assessment/Initial Study completed as part of the Phase 2 Restoration Plan that shows there is no substantial evidence, in light of the whole record before CDFG/OSPR, that these projects may have a significant effect on the environment. The Phase 2 Restoration Plan is attached to this Negative Declaration and includes the Environmental Assessment and Initial Study supporting this finding.

Date: April 5, 2012

DEPARTMENT OF FISH AND GAME
Office of Spill Prevention and Response

FOR

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