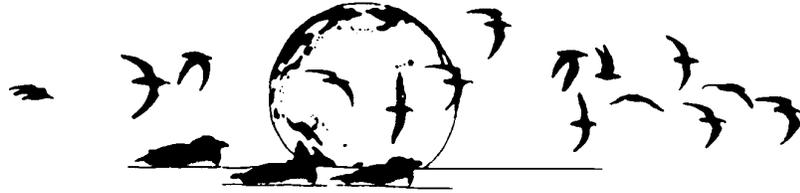


Pacific Seabird Group



DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

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May 20, 2005

Greg Baker

Program Manager

Montrose Settlements Restoration Program

501 West Ocean Blvd. Suite 4470

Long Beach, CA 90802

Re: Comments on Draft Restoration Plan/Environmental Impact Statement for Montrose Settlements

Dear Mr. Baker:

On behalf of the Pacific Seabird Group (PSG), we offer the following comments on the Draft Restoration Plan/Programmatic Environmental Impact Statement (“Restoration Plan”) that was issued in April 2005. The Restoration Plan will spend funds from the settlement of claims for damages to seabirds and other natural resources related to the dumping of DDTs and PCBs into Southern California coastal waters. PSG is an international, non-profit organization that was founded in 1972 to promote the knowledge, study, and conservation of Pacific seabirds. It has a membership drawn from the entire Pacific basin, including Canada, Mexico, Peru, Chile, Russia, Japan, South Korea, China, Australia, New Zealand, and the USA. Among PSG's members are biologists who have research interests in Pacific seabirds, government officials who manage seabird refuges and populations, and individuals who are interested in marine conservation. PSG has been involved with issues relating to the restoration of seabirds after human-caused disasters such as oil spills for decades.

In general, PSG is very supportive of the preferred alternative in the Restoration Plan. We would like to express some disappointment in the fact that of the \$140 million settlement (and which was increased by accrued interest), only \$38 million (e.g., about 25%) is available for restoration projects of any kind. Of the amount available for restoration projects, only \$13 million is available to restore birds and half of that seems to be devoted to restoring a single avian species, the Bald Eagle. We believe that it is in the public interest for the final Environmental Impact Statement to explain in some detail the dissipation of these funds which implies a breach of the fiduciary duty of the trustees to maximize the benefit to the injured resources.

As discussed below, we support all of the seabird restoration projects in the Restoration Plan. We do question whether it is appropriate to devote \$6.2 million to a single species under the preferred alternative -- Bald Eagle restoration (and \$10 million under alternative 3) -- while devoting \$6.5 million under the preferred alternative (\$10 million under alternative 3) to 11 species of seabirds. We agree with the conclusion that after 25 years of attempts to restore Bald Eagle nesting on Santa Catalina Island it is unlikely that a self-sustaining population will be reached in the foreseeable future. The high residual levels of DDTs and PCBs in the diet of Bald Eagles there undoubtedly accounts for the abnormal eggs today. Continuing human intervention at every stage of breeding would be a squandering of precious restoration dollars (e.g., \$1.2 million since 2001). We doubt that the efforts to restore Bald Eagles in the Northern Channel Islands will fare much better.

Specifically, PSG endorses the following projects in the preferred alternative:

- Restoration of Ashy Storm-Petrels, Cassin's Auklets, Xantus' Murrelets, Western Gulls, Brandt's Cormorants, Pelagic Cormorants and Pigeon Guillemots to San Miguel Island, Channel Islands, by eradicating the black rats;
- Restoration of Cassin's Auklets and Xantus' Murrelets to Santa Barbara Island, Channel Islands, by social facilitation;
- Restoration of Western Gulls and Brandt's Cormorants to San Nicholas Island by eradicating feral cats;
- Restoration of Ashy Storm-Petrels, Cassin's Auklets, Xantus' Murrelets, California Brown Pelicans, Double-Crested Cormorants and Rhinoceros Auklets to Scorpion Rock (off Santa Cruz Island) by eradicating non-native vegetation and installing nest boxes;
- Restoration of Brandt's Cormorants, Double-Crested Cormorants, Pelagic Cormorants, California Brown Pelicans, Western Gulls, Cassin's Auklets, Ashy Storm-Petrels, Black Storm-Petrels and Xantus' Murrelets to Coronado and Todos Santos Islands, Baja California by social attraction and improving nesting habitat;
- Restoration of seabirds (Cassin's Auklets, Brandt's Cormorants, Xantus' Murrelets, Western Gulls) to Guadalupe Island, Baja California by eradicating feral cats;
- Restoration of California Brown Pelicans, Double-Crested Cormorants, Brandt's Cormorants, Cassin's Auklets and Xantus' Murrelets to San Jeronimo and San Martín Islands, Baja California by social attraction and improving nesting habitat; and
- Restoration of Cassin's Auklets, Brandt's Cormorants, Double-Crested Cormorants, California Brown Pelicans and Xantus' Murrelets to San Benito, Asunción and San Roque, Baja California by social attraction and improving nesting habitat.

PSG also endorses the following "alternative" projects in the preferred alternative:

- Restoration of Ashy Storm-Petrels to Anacapa Island, Channel Islands, by social facilitation and nest boxes;
- Create/enhance Brown Pelican habitat on Southern California mainland; and
- Implementation of entanglement reduction and outreach program to protect Brown Pelicans in Southern California.

We believe that the three alternative seabird projects could easily be implemented if the trustees were to spend less on Bald Eagle restoration. We note that restoring Bald Eagles would likely undermine several of the seabird restoration projects that are designed to attract seabirds to nest on various Southern California islands because Bald Eagles will eat or harass seabirds. At a minimum, if the Bald Eagle restoration project does not show promising results within three years, the funds should be reprogrammed into the alternative seabird projects.

We applaud the trustees' decision to fund projects in Mexico that were affected by DDTs and PCBs in Southern California. There is ample precedent to spend restoration funds outside of the United States where circumstances warrant. Several years ago PSG supported the proposal and ultimate decision of the American Trader Oil Spill Trustee Council to restore a brown pelican colony in Baja, Mexico, that was affected by an oil spill in Southern California. In 2003, PSG supported the proposal and ultimate decision of the Command Oil Spill Trustee Council to restore a sooty shearwater colony in New Zealand that was affected by an oil spill near Monterey, California.

Thank you for the opportunity to comment on the Restoration Plan. We will gladly provide additional comments or expertise at your request.

Sincerely,

/s/ Craig S. Harrison

Craig S. Harrison
Vice Chair for Conservation

cc: U.S. Senator Dianne Feinstein
U.S. Senator Barbara Boxer
Congresswoman Jane Harmon
Congresswoman Christopher Cox
Congressman Dana Rohrabacher
Assembly Member Betty Karnette