

**Coastal Consistency Determination
Montrose Settlement Restoration Program
Final Restoration Plan, Phase 1**

I. AUTHORITY

This Coastal Consistency Determination is submitted in compliance with Section 930.34 *et seq.* of the National Oceanic and Atmospheric Administration (NOAA) Federal Consistency Regulations (15 C.F.R. 930).

II. DETERMINATION

In accordance with the Federal Coastal Zone Management Act of 1972, as amended, NOAA and its co-trustees have determined that the Montrose Settlement Restoration Program (MSRP) Final Resolution Plan (FRP) actions considered in this document are consistent to the maximum extent practicable with the California Coastal Management Program (CCMP), pursuant to the requirements of the Coastal Zone Management Act of 1972, as amended, (CZMA) and the California Coastal Act of 1976, as amended (CCA). The environmental impact statement (EIS) evaluating the FRP provides the basis for this finding.

III. PROJECT DESCRIPTION

The MSRP is a joint effort by NOAA and five other federal and State of California agencies (collectively the Trustees) to implement projects that will restore natural resources injured and services lost due to dichlorodiphenyltrichloroethanes (DDTs) and polychlorinated biphenyls (PCBs) discharged into the coastal waters of Southern California (see Section 2 of FRP/EIS).

The FRP is a suite of 11 proposed restoration actions evaluated as the preferred alternative in the EIS. The EIS, however, will serve as the final National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) review for only six of the 11 proposed restoration actions. Final NEPA/CEQA review for the remaining five restoration actions will be conducted through a series of supplemental NEPA reviews based on developing information. Accordingly, consistency determinations will also be made in phases. The consistency determination in this document applies only to those restoration actions for which the FRP/EIS serves as the final NEPA/CEQA review.

The FRP/EIS serves as the final NEPA/CEQA review for the following proposed restoration actions.

Provide Public Information to Restore Lost Fishing services. This goal of this action is to provide information to people whose fishing experience may be impacted by state fish consumption advisories and other consequences of DDTs and PCBs in ocean fish within the Southern California Bight (SCB). The Trustees would conduct various

public outreach and education programs designed to help people make knowledgeable choices about where to fish, what to fish for, and how to prepare fish for consumption. Public feedback and reaction would be the primary means of monitoring the success of the outreach and educational activities of this program. The program will require the periodic updating and replacement of outreach materials to be effective over time due to the dynamic nature of contamination levels in the fish and changes in state fish consumption advisories. (See FRP/EIS, Appendix A2.)

Augment Funds for Implementing Marine Protected Areas in California. The goal of this action is to improve fish habitat function in the SCB by augmenting funds to administer the management plan for the Channel Islands network of Marine Protected Areas (MPAs). These MPAs are currently managed and monitored by state and federal agencies, academic institutions, and non-governmental organizations. MSRP funds distributed under the DRP would likely be used to help improve currently existing subtidal fish monitoring, law enforcement, remotely operated vehicle surveys, and groundfish tagging projects. Monitoring and evaluation of this project would be nested within the ongoing evaluation of the Northern Channel Island MPAs being carried out by the California Department of Fish and Game (CDFG), which has developed specific performance criteria. The Trustees would adopt these criteria. (See FRP/EIS, Appendix A4.)

Monitor the Recovery of Peregrine Falcons on the Channel Islands. This action would include monitoring and observation of peregrine falcons as well as contaminant analysis of addled eggs and eggshell measurements. (See FRP/EIS, Appendix C2.)

Restore Alcids to Santa Barbara Island. The goal of this action is to re-establish an active Cassin's auklet breeding population on Santa Barbara Island through social facilitation and habitat improvement and to improve recruitment and productivity of Xantus's murrelets through the installation of artificial nest boxes and habitat improvement. This action would involve the removal of exotic vegetation from nesting areas, revegetation with native plants, social attraction with vocalization playback systems, and the installation of nest boxes. To quantify the efficacy of the restoration efforts, a minimum of four years of monitoring is proposed. A monitoring plan will be developed to allow the Trustees to evaluate the success of the restoration efforts by collecting simultaneous information on reproductive success, site occupancy, and mortality. Due to the State threatened status and sensitivity to disturbance of Xantus's murrelets, no adults of this species will be handled. (See FRP/EIS, Appendix D2.)

Restore Seabirds to Scorpion and Orizaba Rocks. The goal of this action is to restore seabird habitat on Scorpion and Orizaba Rocks. Actions on both Scorpion and Orizaba Rocks would include installation of artificial nest boxes, and disturbance reduction (posting of off-limits signs and an increased NPS enforcement presence). An additional action on Scorpion Rock would be the mechanical removal of exotic vegetation and revegetation with native plants. This action may involve the use of matting or some similar method to stabilize soil in areas where erosion could prevent native plants from reestablishing themselves. To quantify the efficacy of the restoration efforts, a minimum of four years of monitoring is proposed. A monitoring plan will be

developed to evaluate the success of the restoration efforts by collecting simultaneous information on reproductive success, site occupancy, and mortality. Due to the status of Xantus's murrelets and their sensitivity to disturbance, no adults of this species will be handled. For ashy storm-petrels, monitoring will be conducted on the offshore rocks and on Santa Cruz Island in order to compare the effectiveness of this project to other nearby colonies. Monitoring sites will include Bat Cave, Cove of the Bird Eggs, Cavern Point Caves, Dry Sandy Beach Cave, Orizaba Rock (natural and artificial sites) and Scorpion Rock (artificial sites). In addition to monitoring the caves and islets for reproductive effort and success, mist-netting will be employed at Scorpion Rock to collect population (mark/recapture) information. Also the success of the exotic vegetation removal and the survival of the native plants will be monitored using established success criteria for revegetation projects. (See FRP/EIS, Appendix D4.)

Restore Seabirds to Baja California Pacific Islands. This action consists of a suite of projects designed to target Cassin's auklet, Brandt's cormorant, the double-crested cormorant, the California brown pelican, the ashy storm-petrel, and Xantus's murrelet. Although different actions would be carried out at different locations, collectively the action would consist of construction of artificial nests, social attraction with decoys and vocalization, disturbance reduction through creation of off-limits nesting areas, and possible construction of boardwalks on San Jeronimo and San Martin Islands. (See FRP/EIS, Appendix D5.)

The following actions will receive additional NEPA/CEQA review in the future as the actions are more fully developed. Consistency determinations will also be completed before implementation.

- Construct artificial reefs and fishing access improvements. (See FRP/EIS, Appendix A1).
- Restore full tidal exchange wetlands. (See FRP/EIS, Appendix A3).
- Complete NCI Feasibility Study; Use Results to Decide Future Bald Eagle Restoration Actions. (See FRP/EIS, Appendix B.3).
- Restore seabirds to San Miguel Island. (See FRP/EIS, Appendix D1).
- Restore seabirds to San Nicolas Island. (See FRP/EIS, Appendix D3).

IV. CONSISTENCY WITH PROVISIONS OF THE CALIFORNIA COASTAL ACT

The following proposed restoration actions were not considered for consistency with the CCA because they will not affect the state coastal zone:

- Monitor the natural recovery of peregrine falcons on the Channel Islands.
- Restore seabirds to Baja California Pacific Islands.

Accordingly, the following consistency discussion applies only to the proposals to provide public information to restore lost fishing services, augment funds for MPAs, restore alcids to Santa Barbara Island, and restore seabirds to Scorpion and Orizaba Rocks.

The public fishing information and MPA funds augmentation actions would be implemented within the coastal zone and were, therefore, evaluated for consistency with the CCA. While the Santa Barbara Island and Scorpion and Orizaba Rocks actions would occur physically outside the coastal zone as defined in Section 304 of the CZMA (excluding "lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal government"), the actions would likely affect coastal zone resources, including the birds that these actions are intended to benefit. Accordingly, these actions were also evaluated for consistency with the CCA.

ARTICLE 2, PUBLIC ACCESS

The proposed actions include no new restrictions on public access.

The Scorpion and Orizaba Rocks seabird restoration project does, however, contain disturbance reduction provisions (additional off-limits postings and enforcement). The waters around Scorpion and Orizaba Rocks are popular destinations for sea kayakers. Although these islets are closed to the public, kayakers occasionally land on the island. This human disturbance results in the flushing of roosting seabirds (e.g., brown pelicans and cormorants) and harassment of nesting birds. Trespassers have also been documented opening the nest boxes on Scorpion Rock. Such disturbance can lead to abandonment of nests and decreased productivity. The FRP disturbance reduction provisions are designed to prevent such harm by bolstering enforcement of preexisting off-limits policies.

Since the proposed actions impose no new access restrictions, these actions have no projected public access impacts.

ARTICLE 3, RECREATION

The proposal to provide public information regarding fishing would involve various types of outreach to recreational anglers. Specifically, the Trustees would provide information to the public that would allow them to make knowledgeable choices about where to fish and what to fish for. This information differs from, and will compliment, the critical information generated by EPA regarding fish species and locations to avoid.

This action would likely impact recreational use of the coastal zone; however, the impact would be more informed and healthful choices by the public regarding their use of the coastal waters for fishing. This impact would be beneficial and is therefore consistent with the Coastal Resources Planning and Management Policies.

ARTICLE 4, MARINE ENVIRONMENT

The MPA fund augmentation action is designed to improve fish habitat function in the SCB by providing additional support to preexisting MPAs. These MPAs are currently being managed by state and federal agencies, academic institutions, and non-governmental organizations. The Trustees propose to restore fish and their habitats by

contributing to four ongoing projects/programs: subtidal fish monitoring, enforcement of MPA regulations by the NPS and CDFG, CDFG remotely operated vehicle surveys, and a GDFG groundfish tagging project.

While this project provides specific benefits to fish habitats adjacent to the Northern Channel Islands, the project will also provide longer-term benefits for fish habitats and fishing throughout California by helping to generate sound empirical underpinnings for the site and design of future networks of MPAs

Accordingly, while the FRP will have impacts on the marine environment, those impacts will be beneficial ones, designed to maintain, enhance, and restore marine resources consistent with Section 30230. In addition, it is worth noting that the programs that this action would support are largely administered by the State of California; therefore, the Coastal Commission would retain authority over many aspects of project implementation.

ARTICLE 5, LAND RESOURCES

The Trustees propose to mechanically remove exotic vegetation from nesting areas on Santa Barbara Island and Scorpion Rock and to revegetate the area with native plants. The removal of invasive, exotic vegetation and planting of native plants would be done during the non-breeding season in both locations to avoid impacts to nesting birds. There is no foreseeable plan to use herbicides at Scorpion Rock; however, there is a remote chance that herbicides would be necessary for plant removal on Santa Barbara Island. Should the use of herbicides become necessary, the Trustees would advise and coordinate with the Commission further before use.

There may be short-term impacts to soil from trampling in both locations, resulting in increased soil erosion. However, these impacts are expected to be minimal, and restoration of native plants could have long-term benefits to the physical environment of Santa Barbara Island and Scorpion Rock by stabilizing the soil and decreasing erosion. In addition, the Trustees may implement the use of matting or some similar method to stabilize the soil on Scorpion Rock in certain areas where erosion would normally prevent native plants from being established. Such measures will also limit soil erosion after the removal of invasive plants.

In summary, the FRP is consistent with the land resources provisions of the California Coastal Resources Planning and Management Policies in that any short-term impacts would be incurred to ensure that "environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values" (Section 30240(a)).

ARTICLE 6, DEVELOPMENT

The proposed actions do not include any residential, industrial, commercial, or visitor-service development provisions. However, it is worth noting that the nest boxes and

nesting improvements to be located on Scorpion and Orizaba Rocks and Santa Barbara Island will likely be invisible to onlookers and will not change the character of the project areas. Accordingly, the proposed actions have no projected development impacts.

ARTICLE 7, INDUSTRIAL DEVELOPMENT

The proposed actions have no projected industrial development impacts.