

FINDING OF NO SIGNIFICANT IMPACT

Final Environmental Assessment for the Palos Verdes Reef Restoration Project, Los Angeles County, California

Background

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Natural Resource Trustee Agencies (Trustees), including the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service and the National Parks Service, on behalf of the Department of the Interior, the California Department of Fish and Wildlife, the California State Lands Commission, and California State Parks on behalf of the California Governor's Office prepared the Montrose Settlements Restoration Program (MSRP) Restoration Plan, Programmatic Environmental Impact Statement, and Environmental Impact Report (RP/PEIS/EIR, published in 2006). In 2012, the Trustees published their Phase 2 Restoration Plan and Environmental Assessment/Initial Study (Phase 2 RP/EA), which tiered off the RP/PEIS/EIR. The RP/PEIS/EIR and Phase 2 RP/EA evaluate restoration alternatives that compensate for natural resource injuries incurred from historic releases of DDTs and PCBs into marine waters of the Southern California Bight. The Palos Verdes Reef Restoration Project (PVSRRP) is one of the projects identified as preferred in the Phase 2 RP/EA and is consistent with the restoration goals and objectives for subtidal reef restoration on the Palos Verdes Shelf, as described in the Phase 2 RP/EA. The Trustees prepared this Final EA for the PVSRRP to complete the environmental compliance for the project and address project-specific environmental considerations once the site evaluation and final project design were complete. NOAA is the lead federal agency for National Environmental Policy Act (NEPA) compliance for the PVSRRP.

From the late 1940s to the early 1970s, Los Angeles area industries discharged approximately 2,000 metric tons (about 2,200 U.S. tons) of DDTs and PCBs into the ocean waters off the southern California coast. Almost all of the DDTs released to the southern California marine environment originated from the Montrose Chemical Corporation (Montrose) manufacturing plant in Torrance, California. The Montrose plant discharged waste into the Los Angeles County Sanitation Districts (LACSD) sewer collection system. Wastewater treatment methods employed at that time did not fully capture the DDTs prior to their discharge through ocean outfall pipes that empty into the Pacific Ocean off of White Point on the Palos Verdes Shelf. Montrose also dumped DDT-contaminated waste from barges into deep ocean waters in the San Pedro Basin near and possibly en route to Santa Catalina Island. In addition, large quantities of PCBs from numerous sources throughout the Los Angeles Basin were released into ocean waters through the LACSD and City of Los Angeles wastewater outfalls and the regional storm drain systems.

At the end of October 2000, after ten years of litigation, the federal and state governments and the remaining defendants signed the last of a series of settlements in the Montrose case. The court approved the final settlement in March 2001. Under the terms of the four separate settlement agreements, Montrose and the other defendants agreed to pay \$140.2 million plus interest to the federal and state governments. The Trustees for the Montrose case received \$63.95 million. The Trustees have used \$35 million to reimburse past damage assessment costs and are

using the remainder plus the accumulated interest to plan and implement the actions necessary to restore the natural resources and their services that were injured by the DDTs and PCBs.

Restoration Projects

The Trustees cooperatively developed the Final PR/PEIS/EIR and Phase 2 RP/EA, which examine and evaluate potential projects to restore injured natural resources in the Southern California Bight. This evaluation resulted in the Trustees selecting the Palos Verdes Reef Restoration Project as one of the selected restoration alternatives. The PVSRRP will restore subtidal rocky reef habitat to compensate for lost fish habitat services caused by releases of contaminants. The PVSRRP will restore approximately 40 acres of subtidal rocky reef habitat.

Public Involvement

Throughout the NRDA process, and in accordance with NEPA and CERCLA regulations, the Trustees have made information available to the public. More specifically, two public meetings were held for the PVSRRP (March 2, 2017, and October 11, 2017). In addition, the Draft EA was made available for public comment through a 30-day posting on the NOAA Damage Assessment, Remediation, and Restoration Program's Montrose case webpage. Several comments on the PVSRRP were submitted by the public. These comments were addressed in the Responses to Public Comments section (Appendix D) of the Final EA. The comments received from the public did not result in any substantive changes to the project or the Final EA.

Alternatives Considered

The range of reasonable alternatives considered in this EA include four locations within the geographic area affected by Whites Point outfalls, four reef designs requiring different amounts of quarry rock and different construction periods, and the No Action Alternative. The geography of the area that would benefit from restoration is relatively confined and this was an important factor in identifying a range of reasonable alternatives. In fact, there were no reasonable alternatives identified by NOAA that were eliminated from further consideration in this EA. NOAA's preferred alternative is the placement of 70,300 tons of quarry rock on 40 acres of submerged lands in shallower depths within the West Area, offshore of the City of Rancho Palos Verdes, California in the vicinity of Bunker Point. In compliance with CERCLA NRDA regulations and NEPA, the selection of the restoration alternative was finalized after public review and comment (public comment period began on Feb. 21, 2017 and ended on March 22, 2017).

Environmental Consequences

NOAA's Companion Manual (Jan 13, 2017) for NOAA's Administrative Order (NAO) 216-6A (April 22, 2016) contains criteria for determining the significance of the impacts of a proposed action. In addition, the Council on Environmental Quality (CEQ) regulations at 40 C.F.R. § 1508.27 state that the significance of an action should be analyzed both in terms of "context" and "intensity." The significance of this action is analyzed based on the NAO 216-6 criteria and CEQ's context and intensity criteria. The criteria listed below are relevant to making a Finding of No Significant Impact, and have been considered individually, as well as in combination with the others, and include:

(1) Can the proposed action reasonably be expected to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson Stevens Act and identified in Federal Management Plans (FMPs)?

Response: No. As documented in the Final EA, the Trustees do not expect the selected project to cause substantial damage to the ocean and coastal habitats and/or essential fish habitat as defined under the Magnuson-Stevens Act. Any short-term and temporary localized impacts from the restoration activities, such as those associated with anchoring the Derrick barge needed to deploy the reef material, would be minimized by the use of Best Management Practices (BMPs). As documented in the Final EA, the Trustees expect the selected project to result in long-term, beneficial impacts to coastal habitat and associated species by increasing the area and ecological function of salt marsh habitat, including increased habitat stability.

(2) Can the proposed action be expected to have a substantial impact on biodiversity and/or ecosystem function within the affected area (e.g., benthic productivity, predator prey relationships, etc.)?

Response: No. The selected project is not expected to have any substantial impacts beyond a local level; the beneficial impacts on ecosystem function and species biodiversity would not be substantial at a regional or larger scale. As documented in the Final EA, the proposed project is expected to result in moderate long-term beneficial impacts to fish, invertebrates and algae, providing additional habitat to support recovery of these sensitive communities and resulting in greater habitat complexity, diversity, and productivity. The project is expected to increase the availability and quality of subtidal rocky reef habitat. As such there would be an expected increase in ecosystem function and species biodiversity. Any potential adverse impacts are expected to be minimal, short term, localized, and not expected to decrease function or species biodiversity.

(3) Can the proposed action reasonably be expected to have a substantial adverse impact on public health and safety?

Response: No. The selected project is not expected to have any impacts on public health and safety. The implementation of the proposed restoration project would not present any unique physical hazards to humans.

(4) Can the proposed action reasonably be expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species?

Response: No. The selected project is not expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species. Overall, the selected project is expected to benefit species through improved habitat availability and function.

(5) Are significant social or economic impacts interrelated with natural or physical environmental effects?

Response: No. The Trustees do not expect there to be significant adverse social or economic impacts interrelated with natural or physical environmental effects of the selected project. It is anticipated that the selected project will provide positive social interactions with the natural environment.

(6) Are the effects on the quality of the human environment likely to be highly controversial?

Response: No. The effects on the quality of the human environment from the proposed action are not expected to be highly controversial. The selected project is anticipated to have long-term, beneficial impacts to habitat quality via increases in production and biodiversity. NOAA did receive several negative comments from the public. Specifically, some themes involved concerns about (1) surf breaks in the area and (2) proximity to, or interactions with, contaminated sediments at the Montrose Superfund site and/or deposits from the Portuguese Bend landslide (for more details, see Appendix D of the Final EA). NOAA engaged in dialog with members of the public on these topics throughout the comment period and feel that the concerns have been sufficiently addressed in the Response to Comments section of the Final EA. Therefore, while there were some focused, negative comments, they do not appear to reflect a broad controversy regarding the potential impacts of this project.

(7) Can the proposed action reasonably be expected to result in substantial impacts to unique areas, such as historic or cultural resources, park land, prime farmlands, wetlands, wild and scenic rivers, essential fish habitat, or ecologically critical areas?

Response: No. The project area and associated environment includes subtidal ocean floor comprised of sand that covers historically active reef habitat. While these areas do contain unique characteristics, the proposed project is expected to be beneficial to restore the ecological function of reef habitat. Furthermore, no unique or rare habitat would be destroyed due to the proposed restoration project. Additionally, the 69 acre site is located in water depths where the sediment movement is dynamic and the sediment cover is thin. This is not an environment in which cultural materials would be expected to remain in place. Both side-scan radar surveys and visual inspection by divers failed to detect the presence of manmade materials. Furthermore, the construction of the reef does not involve excavation, which might have the potential to disturb any existing resources.

(8) Are the effects on the human environment likely to be highly uncertain or involve unique or unknown risks?

Response: No. The project area is well known to the project implementers, and project implementation techniques are not unique, controversial, or untried.

(9) Is the proposed action related to other actions with individually insignificant, but cumulatively significant impacts?

Response: No. The Trustees evaluated the PVSRRP in the Final EA in conjunction with other known past, proposed or foreseeable closely related projects and determined that there are no significant cumulative impacts. The projects will only temporarily impact resources during construction activities and will utilize all BMPs to minimize these impacts. Cumulative effects would occur if there were one or more other construction projects planned in the immediate project area during the 60 days of construction, and/or planned to occur soon before or after the proposed action. However, no such projects were identified during the site selection process for the proposed action or during consultation with the California State Lands Commission, the State agency with permitting jurisdiction over submerged lands in the vicinity of the project site.

(10) Is the proposed action likely to adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historical resources?

Response: No. As noted above, the project will not adversely affect National Historic Places or cultural, scientific, or historic resources, and all necessary consultations and concurrences have taken place.

(11) Can the proposed action reasonably be expected to result in the introduction or spread of a non-indigenous species?

Response: No. The project is not expected to result in the introduction or spread of a non-indigenous species. The material used for construction will not be exposed to ocean water prior to deployment and all materials and boats will originate within the Southern California Bight. The restoration project location is immediately adjacent to kelp/rock ecosystem on the Palos Verdes Peninsula and colonization of the restored habitat is expected to be from the local environ and, as such, would not introduce or spread non-indigenous species.

(12) Is the proposed action likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?

Response: No. The selected restoration project is not expected to set a precedent for future actions that would significantly affect the human environment or represent a decision in principle about a future consideration.

(13) Can the proposed action reasonably be expected to threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment?

Response: No. Implementation of the selected project would not require any violation of federal, state or local laws designed to protect the environment. The project is undergoing the required Federal, State, and local reviews and environmental permitting. All

regulatory authorizations are expected, and no project implementation activities will occur until all authorizations have been secured.

(14) Can the proposed action reasonably be expected to result in cumulative adverse effects that could have a substantial effect on the target species or non-target species?

Response: No. As described above and in the Final EA, the Trustees evaluated the restoration project and determined that there are no significant cumulative impacts.

DETERMINATION

Based upon an environmental review and evaluation of the "Final Environmental Assessment for the Palos Verdes Reef Restoration Project, Los Angeles County, California," as summarized above, it is determined that implementation of the project does not constitute a major Federal action significantly affecting the quality of the human environment under the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (as amended). Accordingly, an environmental impact statement is not required for this action.

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Date

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Date