

TRUSTEE COUNCIL RESOLUTION 06-2  
ADOPTED SAN 30, 2006

MONTROSE TRUSTEE COUNCIL RESOLUTION REGARDING FURTHER  
CLARIFIACATION OF RESOLUTION OF PAST DAMAGE ASSESSMENT COSTS FOR  
THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATON

1. The National Oceanic and Atmospheric Administration (NOAA); the State of California acting through the State Lands Commission, the Department of Parks & Recreation and the Department of Fish & Game; and the Department of the Interior, acting through the U.S. Fish & Wildlife Service and the U.S. Park Service are the natural resource trustees (Trustees) for natural resources injured by releases of DDT and PCBs into the Southern California Bight.
2. Sums recovered in the civil action *United States, et al. v. Montrose Chemical Corp., et al.*, No. CV 90-3122-R (C.D. Cal. 1990) are being held in the Department of the Interior Natural Resource Damage Assessment and Restoration Fund (DOI Restoration Fund) and the registry account administered by the U.S. District Court for the Central District of California.
3. The Trustees have entered into a memorandum of agreement (MOA), as modified, that establishes a Trustee Council (Montrose Trustee Council) composed of one voting member for each trustee agency. Under the terms of that MOA, the Montrose Trustee Council is authorized to disburse funds for activities related to the damage assessment and restoration process.
4. In Resolution 03-1 the Montrose Trustee Council resolved unanimously to authorize the following payment schedule for \$26.5 million of NOAA's reimbursable account past costs:
  - A. \$4 million on January 2, 2002;
  - B. \$4 million on January 2, 2003;
  - C. \$4 million on January 2, 2004;
  - D. \$4 million on January 2, 2005;
  - E. \$4 million on January 2, 2006;
  - F. \$4 million on January 2, 2007;
  - G. \$2.5 million on January 2, 2008
5. The purpose of this resolution is to resolve the disbursement of any interest that is earned on the NOAA'S reimbursable account past costs.
6. The Montrose Trustee Council resolves that the Council will receive the interest amount earned on the past costs equal to that accrued between

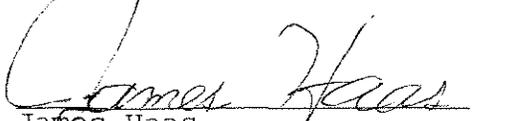
the inception of the disbursement plan and NOAA's scheduled withdrawal of the funds. These funds will be used for restoration projects.

7. In that event that the NOAA withdrawal occurs later than the schedule outlined in Resolution 031; any additional interest earned between the scheduled withdrawal and the actual withdrawal will be disbursed to the National Oceanic and Atmospheric Administration.
8. The effective date of the Resolution shall be the date on which the last trustee signs this document.

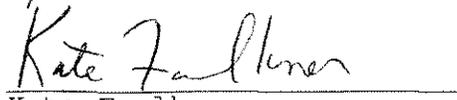
CONCURRED in by the following who are the duly authorized Montrose Trustee Council Representatives:

  
Jennifer Boyce  
National Oceanic &  
Atmospheric Administration

1-25-06  
Date

  
James Haas  
U.S. Fish & Wildlife Service

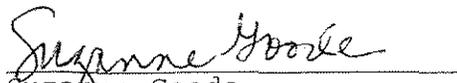
1-25-06  
Date

  
Kate Faulkner  
National Park Service

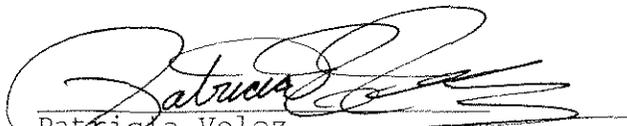
1/25/06  
Date

\_\_\_\_\_  
Jonathan Clark  
State Lands Commission

\_\_\_\_\_  
Date

  
Suzanne Goode  
Department of Parks &  
Recreation

1-25-06  
Date

  
Patricia Velez  
Department of Fish & Game

1-25-06  
Date

the inception of the disbursement plan and NOAA's scheduled withdrawal of the funds. These funds will be used for restoration projects.

7. In that event that the NOAA withdrawal occurs later than the schedule outlined in Resolution 01-3; any additional interest earned between the scheduled withdrawal and the actual withdrawal will be disbursed to the National Oceanic and Atmospheric Administration.
8. The effective date of the Resolution shall be the date on which the last trustee signs this document.

CONCURRED in by the following who are the duly authorized Montrose Trustee Council Representatives:

\_\_\_\_\_  
Jennifer Boyce  
National Oceanic &  
Atmospheric Administration

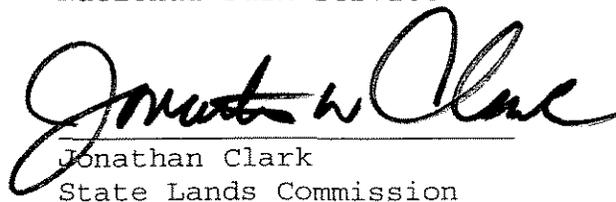
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Date

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James Haas  
U.S. Fish & Wildlife Service

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kate Faulkner  
National Park Service

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jonathan Clark  
State Lands Commission

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*1/30/2006*  
Date

\_\_\_\_\_  
Suzanne Goode  
Department of Parks &  
Recreation

\_\_\_\_\_  
Date

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