

TRUSTEE COUNCIL RESOLUTION 06-5

ADOPTED April 24, 2006

**MONTROSE TRUSTEE COUNCIL RESOLUTION REGARDING
Funding for the Montrose Settlements Restoration Program:
Restore Seabirds to Scorpion and Orizaba Rocks**

1. The National Oceanic and Atmospheric Administration; 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. The Trustees approve of contracting with Carter Biological Consulting for seabird monitoring activities on Scorpion and Orizaba Rocks and Santa Cruz Island during the 2006 breeding season. Activities will include nest surveys, nest monitoring, and mist-netting at various locations on and adjacent to Santa Cruz Island. A detailed description of work to be performed is included in the attached Scope of Work (Attachment 1).
5. The Montrose Trustee Council resolves unanimously to authorize payment of \$33,920 to FWS from the DOI Restoration Fund to pay for seabird monitoring as described in Paragraph 4 above. This amount corresponds to the estimated cost provided by Carter Biological Consulting.
6. After completion of the work described in Paragraph 4 above, FWS will provide the Montrose Trustee Council with cost documentation that summarizes the costs incurred and includes copies of supporting documentation as required under the Trustees' cost reimbursement procedures. This documentation may be submitted separately or as part of the annual cost documentation package that FWS is to provide for the annual advance MSRP funding

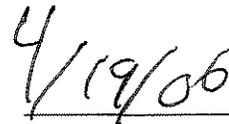
received under a separate resolution. If a cost documentation package pertains to more than one funding resolution, it should clearly identify the resolutions for which it documents costs.

7. 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



Date

James Haas
U.S. Fish & Wildlife Service

Date

Kate Faulkner
National Park Service

Date

Jonathan Clark
State Lands Commission

Date

Suzanne Goode
Department of Parks &
Recreation

Date

Patricia Velez
Department of Fish & Game

Date

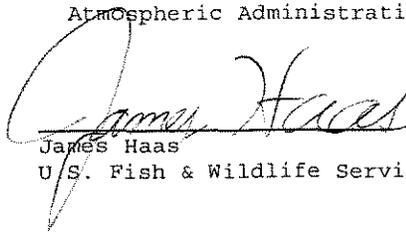
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National Oceanic &
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U.S. Fish & Wildlife Service

4/24/06
Date

Kate Faulkner
National Park Service

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Jonathan Clark
State Lands Commission

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Suzanne Goode
Department of Parks &
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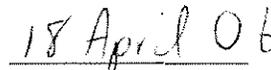
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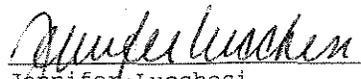
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James Haas
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Kate Faulkner
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Jennifer Lucchesi
State Lands Commission



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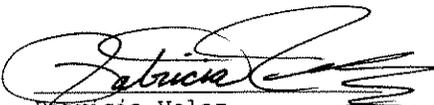
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Jonathan Clark
State Lands Commission

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Suzanne Goode
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Patricia Velez
Department of Fish & Game

4-18-06
Date