

TRUSTEE COUNCIL RESOLUTION 06-7  
ADOPTED August 7, 2006

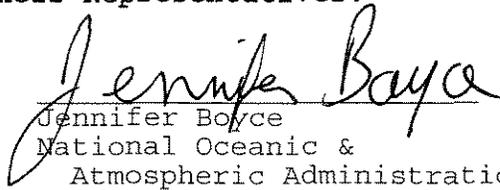
MONTROSE TRUSTEE COUNCIL RESOLUTION REGARDING  
Reimbursement for the Montrose Settlements Restoration Program  
Expenditures:  
October 2000 through December 2002 time period

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 have been engaged in restoration planning, studies, and implementation since the settlement of the civil action referenced in paragraph 2 above in October 2000. At the May 23, 2001 Trustee Council meeting, the Trustees agreed to procedures regulating restoration costs (AR Document ID Number 2127). The procedures define the nature of allowable costs and require trustee agencies to provide cost documentation supporting their expenditures, whether they received advance funding or are seeking reimbursement of costs incurred without advance funding.
5. Beginning January 2003 and continuing in each subsequent year, the Trustee Council has signed resolutions approving annual operating budgets and advance funding. Expenditures and costs incurred between October 2000 through December 2002 were not memorialized in annual operating budgets. Accordingly, it has been difficult to estimate these costs and expenditures. Until all of these costs are submitted, the Trustee Council cannot project the future monies available for restoration projects and Trustee Council administration. On several occasions the Trustee Council has requested that all trustee agencies submit their cost

documentation of their expenditures for the period from October 2000 to December 2002. However, not all trustee agencies have submitted complete documentation of their expenditures for this period.

6. The Montrose Trustee Council hereby resolves unanimously that all cost documentation for restoration costs incurred prior to January 2003 must be submitted by no later than July 31, 2006. Furthermore, the Montrose Trustee Council hereby resolves unanimously that any trustee agency that does not submit such cost documentation by July 31, 2006 will relinquish any claim for reimbursement of such past restoration expenditures (in instances where no advance funding was provided or where the advance funding did not fully cover such expenditures).
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

6/13/06  
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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Date

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Suzanne Goode  
Department of Parks &  
Recreation

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Patricia Velez  
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*Kate Faulkner*  
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National Park Service

*5/31/06*  
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State Lands Commission

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Suzanne Goode  
Department of Parks &  
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Suzanne Goode  
Department of Parks &  
Recreation

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May 31, 2006