

TRUSTEE COUNCIL RESOLUTION 06-10
ADOPTED JAN 4 , 2006

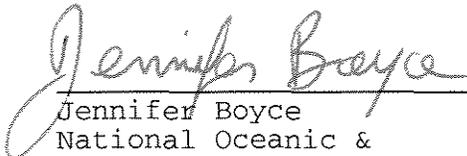
MONTROSE TRUSTEE COUNCIL RESOLUTION REGARDING
Funding for the Montrose Settlements Restoration Program:
Repayment of NOAA Past Restoration Costs

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 National 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 accounts 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. NOAA had previously submitted and received reimbursement for two cost packages for restoration costs incurred from October 2000 - September 2001. Beginning in January 2003, the Montrose Trustee Council began approving annual budgets and providing advance funding to each trustee agency, including NOAA. In Trustee Council Resolution 06-7, the Trustees resolved that all cost documentation for restoration costs incurred prior to January 2003 must be submitted by no later than July 31, 2006. NOAA submitted documentation for all such past costs by that date. These include costs explicitly authorized by trustee council resolutions and meeting notes (See attachments 1 and 2). They also include other necessary and reasonable restoration costs incurred by NOAA prior to January 1, 2003 consistent with trustee council cost documentation guidelines. NOAA also submitted documentation for other costs incurred since January 2003 that were authorized by separate trustee council resolutions in addition to the annual MSRP operating budgets and thus not included in the past cost documentation packages submitted annually by NOAA since 2003.
5. The total amount of restoration costs documented by NOAA in the cost documentation packages submitted in July 2006 is

\$3,317,424.47. Of this total, \$1,024,307.09 is to be paid by U.S. EPA under an interagency agreement. Thus the total claim not covered by the EPA interagency agreement is \$2,293,117.38.

6. As authorized by Trustee Council Resolutions 02-3, 02-6, 03-3, 03-4, and 03-5, NOAA received a total of \$1,163,496.13 in advance funding (outside of the annual budgets beginning in January 2003) for the restoration activities covered by the cost documentation packages submitted in July 2006. Subtracting these advance funds from the amount claimed in paragraph 5, the amount requested by NOAA for reimbursement is \$1,129,621.25.
7. The Montrose Trustee Council resolves unanimously to authorize that \$1,129,621.25 be transferred from the DOI Restoration Fund to NOAA.
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



Date

James Haas
U.S. Fish & Wildlife Service

Date

Kate Faulkner
National Park Service

Date

Jennifer Lucchesi
State Lands Commission

Date

Suzanne Goode
Department of Parks &
Recreation

Date

Patricia Velez
Department of Fish & Game

Date

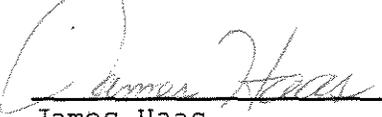
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U.S. Fish & Wildlife Service

19 Dec. 2006

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Kate Faulkner
National Park Service

Date

Jennifer Lucchesi
State Lands Commission

Date

Suzanne Goode
Department of Parks &
Recreation

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1/4/07

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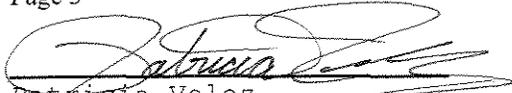
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Department of Parks &
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12-19-06

Date


Patricia Velez
Department of Fish & Game

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Date