TRUSTEE COUNCIL RESOLUTION 09-3
ADOPTED December 2, **2009**

MONTROSE TRUSTEE COUNCIL RESOLUTION REGARDING
Funding for the Montrose Settlements Restoration Program: Cost Increases for Belmont Pier Project and Bald Eagle Outreach Video

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).

3. The Trustees have entered into a memorandum of understanding (MOU), as modified, that establishes a Trustee Council (Montrose Trustee Council) composed of one voting member for each trustee agency. Under the terms of that MOU, the Montrose Trustee Council is authorized to disburse funds for activities related to the damage assessment and restoration process.

4. On December 9, 2008, in Trustee Council Resolution 09-1, the Montrose Trustee Council approved the program's 2009 budget, which included funding in the amount of $50,000 for a bald eagle outreach video, $270,000 for the design and permitting of the Belmont Pier artificial reef (including $120,000 from the 2008 budget and $150,000 from the 2009 budget), and $100,517 for a contract with the Institute of Wildlife Studies to carry out the San Nicolas Island Restoration Project.

5. On the monthly Montrose Trustee Council call held on August 20, 2009, the Trustee Council Representatives discussed and verbally approved additional funding of $17,000 for the bald eagle outreach video. This would allow the contractor to conduct another year of filming in order to capture footage of eagles in the Pelican Harbor nest (which failed in 2009). This increase brings the total approved for this contract to $67,000.

6. On the August 20, 2009, Trustee Council call, the Trustee Council also discussed and verbally approved additional funding of $207,790 for the Belmont Pier reef project design contract. This reflects a cost increase from the total approved in the 2009 Budget of $270,000. This increase brings the total approved for

the Belmont Pier Reef Project design contract to $477,790. The increase in costs is due to additional compliance and engineering work that was not identified in the original cost estimate.

7. In addition, on the October 5, 2009, Trustee Council call, the Trustee Council also discussed and verbally approved additional funding of $179,901 to the Institute of Wildlife Studies for implementation of the San Nicolas Island Restoration Project. This reflects a cost increase from the total approved in the 2009 Budget of $100,517. This increase brings the total approved for this contract to $280,418. The Institute's budget and effort for 2009 has increased due to the fact that captured cats are being held on the island until they are transferred to the care of the Humane Society of the United States on the mainland.

8. This Trustee Council Resolution memorializes the Trustee Council's approval of those cost increases.

9. NOAA does not anticipate a need for additional advance funding to accommodate these cost increases; therefore, no disbursement from the DOI NRDAR is requested by NOAA to fund this work.

10. NOAA shall submit documentation, including supporting documentation, regarding expenditure of these additional funds as part of its annual cost documentation submission requirement by July 31, 2010.

11. The effective date of this 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

12/1/09
Date

James Haas
U.S. Fish & Wildlife Service

Date

Kate Faulkner
National Park Service

Date

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Jennifer Boyce National Oceanic & Atmospheric Administration	Date
James Haas U.S. Fish & Wildlife Service	10/30/09 Date
Kate Faulkner National Park Service	Date

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Jennifer Boyce National Oceanic & Atmospheric Administration	Date
James Haas U.S. Fish & Wildlife Service	Date
Kate Faulkner National Park Service	11/5/09 Date

Jennifer Lucchesi
State Lands Commission

10/27/09
Date

Suzanne Goode
Department of Parks &
Recreation

Date

Patricia Velez
Department of Fish & Game

Date

Jennifer Lucchesi State Lands Commission	Date
Suzanne Goode Department of Parks & Recreation	12-2-09 Date
Patricia Velez Department of Fish & Game	Date

National Park Service

Jennifer Lucchesi State Lands Commission	Date
Suzanne Goode Department of Parks & Recreation	Date
Patricia Velez Department of Fish & Game	October 28, 2009 Date