

Adopted 5/22/19

**Cosco Busan Trustee Council  
Resolution Regarding Disbursement of Funds  
for Restoration Projects  
for Fiscal Year 2019**

1. The State of California, acting through the Department of Fish and Wildlife (CDFW) and the California State Lands Commission (CSLC); the National Oceanic and Atmospheric Administration (NOAA); and the Department of the Interior (DOI), acting through the U.S. Fish and Wildlife Service (USFWS) and the National Park Service (NPS), are the trustees responsible for restoring those natural resources injured by the discharge of oil from the *M/V Cosco Busan* on November 7, 2007.
2. Sums recovered in the civil action *United States v. M/V Cosco Busan et al.*, and related actions, are being held in the DOI Natural Resource Damage Assessment and Restoration Fund (NRDAR Fund) and the San Francisco Bay Shoreline Parks and Recreational Use account established by the National Fish and Wildlife Foundation (NFWF Rec Account).
3. The Trustees have entered into a Memorandum of Understanding (MOU) among themselves for the purpose of coordinating their trust responsibilities.
4. The MOU specifies several procedural prerequisites to the implementation of projects selected in the Restoration Plan. Among other things, a selected project may not proceed unless a lead Trustee has been designated for that project and the Trustee Council has given its written authorization to commence the project.
3. The MOU further requires the Trustee Council to memorialize all expenditures of funds from the above-referenced accounts in a Trustee Council Resolution signed by the participating voting members. The settlement funds may only be used for the design, implementation, permitting (as necessary), monitoring and oversight of restoration projects and for the costs of complying with the requirements of law to conduct a restoration planning and implementation process. The use of such funds must be documented and an accounting provided to the Cosco Busan Trustee Council.
4. The Trustee Council hereby authorizes the disbursement of \$942,510 from the Cosco Busan NRDAR Account (#520) for restoration project implementation, as described in the Cosco Busan Damage Assessment and Restoration Plan (DARP)/Environmental Assessment, to the following Trustee agencies:
  - \$862,510 to NOAA for the continued implementation of the San Francisco Bay eelgrass restoration project. This total includes a project budget of \$830,455 for implementation of years 4, 5 and 6 and a reduced NFWF overhead (3.86%) of \$32,055.

Cosco Busan Trustee Council Resolution 19-3

\$80,000 to CDFW for the Berkeley Pier Enhancement Project to benefit pelicans, cormorants, gulls, scoters and diving ducks, and shorebirds, The disbursement total includes a project budget of \$60,560 for implementation of a conceptual design/feasibility study, and CDFW overhead (24.3%) of \$19,440.

5. The Trustee Council hereby authorizes the re-allocation of \$8,990.97 (already disbursed to NOAA) from the Kiel Cove scar assessment to implementation of the Richardson Bay eelgrass survey. No disbursement from the NRDAR Fund is required.
6. This Resolution may be executed in counterparts. A copy with all original executed signature pages affixed shall constitute the original Resolution and be retained by the Lead Administrative Trustee that maintains records.
7. The effective date of this resolution shall be the date on which the last Trustee Signs this resolution.

Concurred in by the following who are the duly authorized Cosco Busan Trustee Council representatives:

*Michael J. Anderson*

5/2/2019

\_\_\_\_\_  
Michael Anderson  
California Department of Fish and Wildlife

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sarah Mongano  
California State Lands Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
Carolyn Marn  
US Department of the Interior

\_\_\_\_\_  
Date

*Christopher Doley*  
Christopher Doley

5/7/2019  
Date

National Oceanic and Atmospheric Administration

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California Department of Fish and Wildlife

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Date



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5/13/2019

\_\_\_\_\_  
Sarah Mongano  
California State Lands Commission

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Date

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Carolyn Marn  
US Department of the Interior

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Christopher Doley  
National Oceanic and Atmospheric Administration

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*Carolyn Marn*  
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Carolyn Marn  
US Department of the Interior

5/22/2019  
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Christopher Doley  
National Oceanic and Atmospheric Administration

Date