

Adopted: 10/25/2018

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

1. The State of California, acting through the Department of Fish and Game (CDFG) 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. MN 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.

5. 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.

6. The Trustee Council hereby authorizes the following re-allocation of funds (already disbursed to NPS) as described below:

**\$10,611.94 for Torpedo Wharf Safety Repairs, Phase 2: Title I and Title II Design Services and Supplemental Geotechnical and Underwater Pile Surveys.**

No distribution from the NRDAR Fund is required. NPS still has unused funds that were previously allocated to Phase 1 of Torpedo Wharf Safety Repairs: In 2013 the Trustee Council authorized the disbursement of \$88,209 to NPS for implementation of the recreational use project: "Torpedo Wharf Safety Repairs, Phase 1: Perform Structural Analysis and Condition Assessment" through Resolution 16-3. After conducting the initial structural analysis and

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condition assessment, a balance of \$ 10,611,94 remains in the original Phase I account. This resolution authorizes reallocation of those remaining funds to Torpedo Wharf Safety Repairs, Phase 2, Title I and Title II Design Services and Supplemental Geotechnical and Underwater Pile Surveys, for which funds were authorized for disbursement through Resolutions 15A and 116-2.

It is anticipated that additional funds will be needed for completion of the device documents in Phase 2 if this is the case, the Trustee Council will approve those additional funds in a subsequent Resolution

7 This Resolution may be executed in counterparts. A copy with all original executed pages affixed shall constitute the original Resolution and be retained by the Lead Administrative Trustee that maintains records.

8 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  
Michael Anderson

10/12/2018

Date

California Department of Fish and Wildlife

Sarah P. Mongano  
Sarah Mongano  
California State Lands Commission

10/18/2018  
Date

Kristen Ward  
Kristen Ward  
National Park Service for the  
US Department of the Interior

10/19/2018  
Date

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NOAA consulted with its co-Trustees on the projects contained in this Trustee Council Resolution and concurs that the projects are appropriate compensation for injuries caused by the Cosco Busan oil spill. However, to increase efficiency and reduce administrative costs, NOAA defers the decision to undertake these projects to those Trustees that will be most directly involved in the projects' implementation. Accordingly, pursuant to the Trustees Council's Memorandum of Understanding, dated February 10, 2012, paragraph VLB, NOAA, through the signature below, abstains from the Resolution.

**DOLEY.CHRISTOPHER.D.136** Digitally signed by  
**5844042** DOLEY.CHRISTOPHER.D.1365844042  
Date: 2018.10.25 09:08:25 -04'00'

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Christopher Doley  
National Oceanic and Atmospheric Administration

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Date