

Adopted \_\_\_\_\_

**Cosco Busan Trustee Council Resolution**  
**Regarding Disbursement of Funds (from NFWF Rec Account)**  
**for Restoration Projects**  
**for Fiscal Year 2016**

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 for restoration planning and implementation, 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. In addition, the CDFW and the CSLC are required to manage the Restoration Funds in the NFWF Rec Account in accordance their Memorandum of Understanding with NFWF.

4. The MOU and the Memorandum of Understanding with NFWF specify several procedural prerequisites to the implementation of projects selected in the Restoration Plan. Pursuant to their Memorandum of Understanding with NFWF, the CDFW and the CSLC are required to coordinate the selection of projects/grant recipients to receive funds from the NFWF Rec Account with NOAA and DOI.

5. The MOU requires the Trustee Council to memorialize all approvals of disbursements and/or 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. Following notification of initial awards under the Cosco Busan Oil Spill Settlement — Recreational Use Grant Program, the City of Berkeley has informed us that the Berkeley Municipal Fishing Pier Accessibility Surface Project is no longer feasible. They were originally awarded \$230,138 for this project. They spent \$15,507 before realizing the project was no longer feasible. Thus, they have a remainder of \$214,631.

7. The City of Berkeley requests that the remaining \$214,631 be applied to the Berkeley • South Cove Parking Lot Project. This project was originally not selected by the Trustee Council. The Trustees informed the City of Berkeley that the Council may reconsider it should funds become available.

8. The Trustee Council hereby determines that the Berkeley South Cove Parking Lot Project is appropriate restoration under the Cosco Busan Damage Assessment and Restoration Plan (DARP)/Environmental Assessment. Accordingly, the Trustee Council hereby authorizes the disbursement of \$214,631 from the NFWF Rec Account to the City of Berkeley to implement all or a portion of the Project. This includes authorization for any subsequent disbursements to complete all or a portion of the Project.

9. In accordance with the MOU, the CDFW and the CSLC shall have approval authority for the individual invoices and/or disbursements associated with authorized grant awards from the NFWF Rec Account. However, should the project described above become infeasible for any reason, the CDFW and the CSLC may, with notification to the Trustees, redirect funds from the infeasible project to another project identified in Trustee Council Resolutions 13-4 or 13-7.

10. 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.

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

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

*Steve Hampton*

\_\_\_\_\_  
Steve Hampton  
California Department of Fish and Wildlife

11/16/2015

Date

*Sarah P. Mongano*

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

11/16/2015

Date

DOI staff consulted with their co-Trustees regarding the projects contained in this Trustee Council Resolution and concur that the projects are appropriate compensation for injuries caused by the Cosco Busan oil spill. However, to increase efficiency and reduce administrative costs, DOI 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 VI.8, DOI, through the signature below, abstains from the Resolution.

*Daphne Hatch*

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Daphne Hatch  
National Park Service  
for the US Department of the Interior

12/3/2015  
\_\_\_\_\_  
Date

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Natalie Cosentino-Manning  
National Oceanic and Atmospheric Administration

\_\_\_\_\_  
Date

the Trustees Council's Memorandum of Understanding, dated February 10, 2012, paragraph VI.8, DOI, through the signature below, abstains from the Resolution.

\_\_\_\_\_  
Daphne Hatch  
National Park Service  
for the US Department of the Interior

\_\_\_\_\_  
Date

NOAA staff consulted with their co-Trustees regarding the projects contained in this Trustee Council Resolution and concur 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 VI.B, NOAA, through the signature below, abstains from the Resolution.

*Natalie C-Manning*  
\_\_\_\_\_  
Natalie Cosentino-Manning  
National Oceanic and Atmospheric Administration

11/17/2015

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Date