

Adopted \_\_\_\_\_

**Cosco Busan Trustee Council Resolution**  
**Regarding Disbursement of Funds** (from NFWF Rec Account)  
**for Restoration Projects**  
**for Fiscal Year 2013**

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 Casvo 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 requested that the initial award of \$120,000 from the NFWF Rec Account for the Maintenance Dredging project at the Berkeley Marina be redirected to the South Sailing Cove Dock Replacement Project submitted by the City of Berkeley. This request was made in light of the fact that in late December 2012, a winter storm destroyed two existing piles at the West Dock at the South Sailing Cove, and the West Dock is now closed to the public indefinitely.

7. The Trustee Council hereby determines that the project identified in the table below is appropriate restoration under the Cosco Busan Damage Assessment and Restoration Plan (DARPFEnvironmental Assessment. Accordingly, the Trustee Council hereby authorizes the disbursement of funds from the NFWF Rec Account to the grant recipient identified below to implement all or a portion of the Project. This includes authorization for the listed "initial award" as well as any subsequent disbursements to the grant recipient identified below to complete all or a portion of the Project.

Project Title	Grant Recipient	Initial Award
East Bay		
South Sailing Cove Dock Replacement Project	City of Berkeley	\$120,000

8. 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 listed 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 Resolution 13-4. The Trustee Council recognizes that the Maintenance Dredging project at the Berkeley Marina will not be implemented with funds from the NFWF Rec Account, unless a subsequent disbursement is made to the Grant Recipient to complete all or a portion of the dredging project.

9. 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.

10. 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:

*Steve Hampton*

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

3/13/2013

Date

*Sarah R Mongano*

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

3/13/2013

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.B, DOI, through the signature below, abstains from the Resolution.

*Daphne Hatch*

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Daphne Hatch  
National Park Service  
US Department of the Interior

3/13/2013

\_\_\_\_\_  
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 Cosentino-Manning  
National Oceanic and Atmospheric Administration

\_\_\_\_\_  
Date

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Daphne Hatch  
National Park Service  
US Department of the Interior

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Date

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*Natalie C-Manning*

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Natalie Cosentino-Manning  
National Oceanic and Atmospheric Administration

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3/13/2013

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Date