

Adopted 6/5/2012

**Cosco Busan Trustee Council
Resolution Regarding Disbursement of Funds
for Restoration Projects
for Fiscal Year 2012**

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. 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 the following funds (totaling \$605,264.00) from the NRDAR Fund for the implementation of certain restoration projects, as described in the Casco Busan Damage Assessment and Restoration Plan (DARP)/Environmental Assessment. Note: for those projects administered by the NOAA/NFWF agreement a 4.8% overhead is assessed and is calculated in the total:

- * \$314,400 to NOAA for implementation of the preferred alternative of restoring four acres of eelgrass in year one of a nine year project as described in section 4.3.3.2 of the DARP. Said funds will be disbursed through a Request for Proposal (RFP) process administered by the NOAA/NFWF multi-year agreement.
- \$18,864 to NOAA to implement year one of a three year monitoring of the Keil Cove eelgrass scar as described in section 4.3.4.5 of the DARP. The scar, produced as a result

of response activities during the spill, will be assessed for recovery. If full recovery has been documented, remaining monitoring funds will go towards eelgrass restoration activities. The funds will be disbursed to an appropriate contractor through a Request for Qualifications (RFQ) administered by NOAA/NFWF multi-year agreement.

- \$262,000 to NOAA for implementation of the Native Oyster Restoration and Enhancement Project as described in section 4.3.4.4 of the DARP. Said funds will be disbursed through an RFP process administered by NOAA/NFWF multi-year agreement.
- \$10,000 to the NPS for the Rockweed Restoration Project as described in section 4.3.4.4 of the DARP. The funds will be utilized for pre-restoration mapping and identification of viable *Fucus* donor plants for restoration. Funds will also go towards project planning activities, such as the development of the RFQ for restoration implementation and any pre-project reports or recommendations (see attached #1).

5. 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.

6. 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
California Department of Fish and Game

Date

Sarah Mongano
California State Lands Commission

Date

Janet Whitlock

Janet Whitlock
US Department of the Interior

6/5/2012

Date

Natalie Cosentino-Manning
National Oceanic and Atmospheric Administration

Date

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California Department of Fish and Game

6/4/2012

Date

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California State Lands Commission

Date

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US Department of the Interior

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California Department of Fish and Game

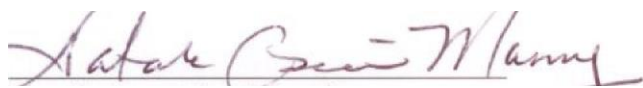
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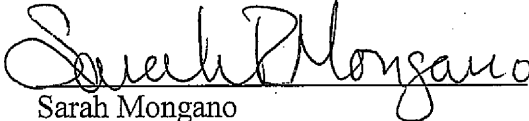
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California State Lands Commission

6/4/12

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