

**Montrose Trustee Council**  
**Meeting Minutes**  
March 21, 2001  
Long Beach, California  
10:00 a.m.

**Attendance**

The following primary and alternate Trustee Council members were present: Dr. Bill Conner (National Oceanic & Atmospheric Administration), Katherine Pease (National Oceanic & Atmospheric Administration), Dr. John Cubit (National Oceanic & Atmospheric Administration), Dr. Roger Helm (U.S. Fish & Wildlife Service), Patty Velez (California Department of Fish and Game), Lance Kiley (California State Lands Commission), Suzanne Goode (California Department of Parks and Recreation), Tim Setnicka (National Park Service), and Kate Faulkner (National Park Service). Also present were: Chuck McKinley (U.S. DOI, Office of the Solicitor), Kolleen Bannon (National Oceanic & Atmospheric Administration), Jennifer Boyce (National Oceanic & Atmospheric Administration), Dan Welsh (U.S. Fish & Wildlife Service), and Laura Valoppi (U.S. Fish & Wildlife Service).

**Administrative Issues**

DOI Restoration Fund

Dan Welsh agreed to follow-up with the DOI fund manager to explore available short-term and long-term investment options for the transfer of settlement funds in the DOI Restoration Fund. Dan will develop a recommendation on how to direct the NRDAR fund manager on the disposition of \$30 million to be deposited in the fund, and he will coordinate with Bill Conner to set up a Trustee Council conference call to discuss the recommendation.

Katherine Pease agreed to follow-up with court registry managers on investment options for settlement funds in the court registry.

Cost Reimbursement

The Trustee Council agreed in principle to the guidelines for calculating costs that Bill Conner proposed at the January 18, 2001 Trustee Council meeting. The Council would like to see the guidelines in writing and would like to know how they would be implemented. The guidelines are:

- (1) Cap past costs at \$35,000,000
- (2) If costs are greater than \$35,000,000 - prorate the costs
- (3) Include all valid and documented damage assessment costs
- (4) Exclude prejudgment interest
- (5) Exclude litigation support costs

- (6) Calculate NOAA costs with NOAA's new (lower) overhead costs
- (7) Include \$93,524.85 NPS vessel costs

Bill Conner will ask Rubino & McGhean for a more complete documentation of their time and for a full invoice. The Council will then decide how the costs will be paid after discussion with the Department of Justice.

### Archives and Records

The Trustee Council unanimously agreed to accept the proposal from Labat Anderson to facilitate the retirement of Montrose NRDA case records and the establishment of an administrative record for the restoration phase of Montrose as required by federal law. Labat's proposal consists of 5 Activities: (1) Activity 1 - facilitate/conduct searches for scientific/technical or other related publications/documents as requested; (2) Activity 2 - facilitate and respond to requests for case-specific information; (3) Activity 3 - facilitate the proper recording and retirement of case records to the federal records center/NARA; (4) Activity 4 - restoration administrative record initiation and development; and (5) Activity 5 - monthly reports. Katherine Pease will be preparing a resolution to be signed by the Council members for the release of funds to be paid to Labat Anderson to commence work on this project. The Council further agreed to offer back the field notes and other working papers to the principal investigators if permitted by the Federal Records Act.

The Council agreed to defer voting on the disposal of NRDA samples at NARA until a working group has been formed to decide on what samples, if any, should be kept and what samples should be disposed of. Katherine Pease is organizing this effort with participation by trustee scientists.

### **Proposed Feasibility Studies**

#### Evaluation of Reef Fish Contamination Levels

Dr. John Cubit requested that the Council approve funding for a study to assess the feasibility of constructing rocky reefs and to determine the best location for a future pilot constructed reef by analyzing contaminant concentrations in reef species. The Council unanimously voted to authorize \$25,000.00 for a three month planning stage to refine the feasibility study.

#### Northern Channel Islands Bald Eagle Reintroduction Feasibility Study

The Trustee Council unanimously agreed to proceed with the Northern Channel Islands Bald Eagle Reintroduction Feasibility Study in order to be ready for implementation by June 2002. The Trustee Council will then decide whether to implement a long term, multi island project based in part on the information gathered in this initial feasibility study. The Trustee Council further agreed to provide reimbursement for all costs associated with implementing the NCI

## Eagle Reintroduction Feasibility Study

### **Restoration Startup Work Group Report**

The Trustee Council agreed to Bill Conner's proposal that Gregory Baker of the National Oceanic & Atmospheric Administration act as the interim Montrose Project Manager until the position has been advertised and permanently filled.

The Council further agreed that the restoration staff will be located in NOAA's Long Beach office and that NOAA will take the lead on hiring a permanent Project Manager.

The working group agreed to distribute an information letter or fact sheet to the public the end of April, 2001.

### **Next Council Meeting**

The next Montrose Trustee Council meeting will be held in Long Beach on May 23, 2001 at 10:00 and will continue on the morning of May 24, 2001.