


TRUSTEE COUNCIL RESOLUTION 03-3
ADOPTED July 2, 2003

**MONTROSE TRUSTEE COUNCIL RESOLUTION REGARDING
ANALYSIS OF BALD EAGLE SAMPLES**

1. The National Oceanic and Atmospheric Administration; the State of California acting through the State Lands Commission, the Department of Parks & Recreation and the Department of Fish & Game; and the Department of the Interior, acting through the U.S. Fish & Wildlife Service and the National Park Service are the trustees for natural resources (Trustees) injured by releases of DDT and PCBs into the Southern California Bight.
2. Sums recovered in the civil action *United States, et al. v. Montrose Chemical Corp., et al.*, No. CV 90-3122-R (C.D. Cal. 1990) are being held in the Department of the Interior Natural Resource Damage Assessment and Restoration Fund (DOI Restoration Fund) and the registry account administered by the U.S. District Court for the Central District of California.
3. The Trustees have entered into a memorandum of agreement (MOA), as modified, that establishes a Trustee Council (Montrose Trustee Council) composed of one voting member for each trustee agency. Under the terms of that MOA, the Montrose Trustee Council is authorized to disburse funds for activities related to the damage assessment and restoration process.
4. The Trustees have agreed to analyze samples of avian blood, eggs and marine mammal carcass samples for organochlorine contaminants for the Bald Eagle Program in order to address the injuries caused to bald eagles by the DDTs and PCBs at issue in the Montrose litigation. This analysis of DDT and PCB levels in the eagles' eggs, blood and prey, and in marine mammal carcass samples is a component of a study to determine the feasibility of reestablishing bald eagles to the Northern Channel Islands and a project to monitor bald eagles that have already been established on Santa Catalina Island.
5. The U.S. Fish and Wildlife Service and the National Oceanic & Atmospheric administration investigated and concluded that it would be more efficient to analyze the above mentioned samples through an existing contract and subcontract with IEc and Battelle Laboratories in Duxbury, Massachusetts, rather than having the Fish and Wildlife Service separately procure analytical services, as presented in the 2003 MSRP Budget Proposal.
6. The Montrose Trustee Council resolves unanimously to authorize disbursement of \$89,838 from the DOI Restoration Fund to the National Oceanic and Atmospheric Administration for tasks presented in the 2003 MSRP Budget Proposal to be completed by Batelle Laboratories.


7. The \$89,838 already allocated to the Fish and Wildlife Service for chemical analysis of eagle project samples will be carried over to fund other aspects of the eagle projects in 2004.
8. After completion of the work described in Paragraph 4 above, the Fish and Wildlife Service will provide the Montrose Trustee Council with a report or reports presenting the results of analysis of Catalina eagle eggs from 2001, 2002, and 2003; analysis of Santa Cruz marine mammal carcass samples in 2003; analysis of Santa Cruz eagle blood from 2002 and 2003; and eagle prey from 2003.
9. The effective date of this resolution shall be the date on which the last Trustee signs this document.

CONCURRED in by the following who are the duly authorized Montrose Trustee Council Representatives:



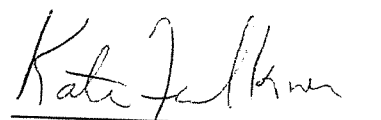
William Conner
National Oceanic &
Atmospheric Administration

7/2/03
Date




Daniel Welsh
U.S. Fish & Wildlife Service

7/2/03
Date

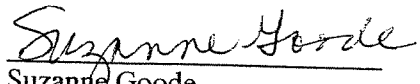


Kate Faulkner
National Park Service

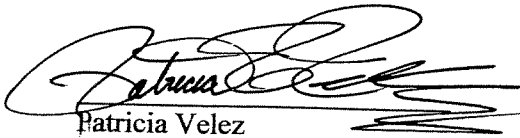
7/2/03
Date


Jonathan Clark
State Lands Commission

7-2-03
Date


Suzanne Goode
Department of Parks &
Recreation

7-2-03
Date


Patricia Velez
Department of Fish & Game

7-2-03
Date



United States Department of the Interior

FISH AND WILDLIFE SERVICE

California/Nevada Operations Office
2800 Cottage Way, Suite W-2606
Sacramento, California 95825

JUL 16 2003

Memorandum

To: Manager, NRDAR Fund, Department of the Interior, Washington, D.C.

From: ^{Acting} Manager, California/Nevada Operations Office, Sacramento, California

Subject: Release of Montrose NRDAR Funds for Restoration Planning Tasks

As the Department of the Interior's Authorized Official for the Montrose Natural Resource Damage Assessment and Restoration (NRDAR) case, I request that you authorize allocation of \$98,762.03 from the Montrose Restoration Account to the National Oceanic and Atmospheric Administration (NOAA) and the California Department of Fish and Game (CDFG) as outlined in the following table.

Agency	Allocation
National Oceanic and Atmospheric Administration	\$89,838.00
California Department of Fish and Game	\$8,924.03
TOTAL	\$98,762.03

The attached resolutions (Trustee Council Resolutions 03-2 and 03-3) signed by the members of the Montrose Trustee Council indicate the approved uses of the requested money. In short, the money allocated to NOAA will be used to pay for chemical analysis of eagle project samples collected in 2001-2003 and the money allocated to CDFG is a reimbursement of costs incurred for restoration planning from October 1, 2002 through December 31, 2002.

If you have any questions please contact Dan Welsh at (916) 414-6591.

Attachments

cc: (w/attachments to each)

U.S. Fish and Wildlife Service, Division of Environmental Quality, Washington, D.C. (Dolores Savignano)

U.S. Fish and Wildlife Service, Portland Regional Office, Portland, OR (Roger Helm)

U.S. Fish and Wildlife Service, Portland Regional Office, Portland, OR (Deborah Freeman)

U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, Sacramento, CA (Tom Suchanek)

U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, Sacramento, CA (Andy Yuen)

Montrose Settlements Restoration Program, Long Beach, CA (Pam Castens)

DEPT. OF COMMERCE - NOAA
RECEIVED

JUL 25 2003

OFFICE OF GENERAL COUNSEL