

**Montrose Settlements Restoration Program Trustee Council  
Summary  
January 25, 2006 Trustee Council Meeting  
San Francisco, California**

The following primary and alternate Montrose Trustee Council ("Council") members were present:

Jen Boyce	NOAA	Suzanne Goode	CDPR
Patty Velez	CDFG	Scott Sobiech	USFWS
Kate Faulkner	NPS	Julie Yamamoto	CDFG
Jim Haas	USFWS		

Also attending:

Greg Baker	MSRP Staff	Chuck McKinley	DOI Solicitor
Dave Witting	MSRP Staff	Lisa Wolfe	CDFG (by phone)
Annie Little	MSRP Staff	Chris Plaisted	NOAA/ GCNR
Milena Viljoen	MSRP Staff	Kathy Verrue-Slater	CDFG

Invitees:

Carmen White	EPA	David Brunner	NFWF
Elizabeth Adams	EPA	Rebecca Kramer	NFWF
Tom Hagler	EPA	Duane James	EPA

The meeting convened in the EPA Region 9 offices. Jonathan Clarke was unable to participate, so we had representation from only five of the six Trustee Council agencies.

Primary items for presentation and discussion were:

- Completing the Restoration Plan EIS/EIR, including decision documents and Trustees' formal approval
- Following-up on California Coastal Commission conditional concurrence
- Discussing steps to resolve State Lands Commission internal approval process issues
- Updating the Trustee Council MOA
- Presentation by EPA on the progress on their Superfund response action for the PV Shelf site
- 2006 MSRP budget
- Resolutions 06-1 (2006 budget) and 06-2 (clarifying handling of interest from NOAA's past damage assessment costs)
- National Fish and Wildlife Foundation presentation and discussion on options for fees, and structure of working agreement to implement restoration projects

We did not have time to address all of the items listed in the agenda. We did not discuss in detail the status of restoration implementation preparations for specific fish and bird projects, and we did not update on the status of fish contamination work.

**Action Items:**

**RESTORATION PLAN EIS/EIR**

- Consider writing a letter back to EPA responding to issues they raised in their letter on our final EIS with which we take issue. In addition, or even if not writing this letter, ensure that such responses are incorporated into the RODs (Baker, first crack).

## Draft Final 9-7-06 GB

- Burn several CDs containing the final RP/EIS/EIR and distribute to TC and attorneys (don't wait until glossy Executive Summary is completed) (Viljoen).

### RESOLUTIONS on 2006 BUDGET and NOAA PAST COSTS:

- Send out TCR 06-1 (2006 budget) for signature; after signed, send to Jim Haas for transmission to DOI NRDAR; also send updated budget file (Baker). The final budget will modify the previous draft of the budget to insert Restoration Planning costs to cover the completion of the plan and addressing lingering issues with CZMA. Also modify IWS budget to follow-up on outcomes of the November 10, 2005 NCI bald eagle experts meeting, and to insert funding for certain monitoring activities on Catalina.
- The Trustees present agreed with NOAA's proposal on handling interest from NOAA's past damage assessment costs. Formalized in a new resolution (TCR 06-2) clarifying the original resolution (03-1). All TC representatives signed TCR 06-2 except SLC member. Transmit TCR 06-2 to Clarke for signature (Boyce).
- We discussed a recommendation to hire an accountant for several trustee councils, including Montrose.
- It was suggested that we convene a separate meeting of the cost documentation subcommittee to devote special attention to bringing our cost records up to date. Since Chris Plaisted has taken Katherine Pease's place as NOAA's attorney for the case, presumably Chris will take her place on the cost subcommittee. Other members are Jim Haas and Kathy Verrue-Slater. Baker will call the members to set up a time for a call and/or time and place for a meeting.

### CZMA and FINAL RP EIS/EIR: NEXT STEPS

- Prepare short, to the point letter to CCC to submit in time for the Feb 9<sup>th</sup> hearing (i.e. transmit to CCC staff next week). Request that the two technical papers and cover letter that we submitted prior to the December hearing be provided to the commissioners as they appear not to be in the record. Short letter should explain/reiterate that we have only requested their concurrence on a narrow set of projects, and that they should remove the condition that the trustees fund the Catalina bald eagle program for the reasons to be provided in our draft longer response (i.e. not an "action", if it were, not inconsistent, etc.). Circulate draft to TC and staff, needs quick turnaround from all (Plaisted lead, all to quickly review and reply).
- Refine the longer draft letter that we'll send in response to their formal findings (bullets up front, etc.). Give 2<sup>nd</sup> priority to the above (Plaisted).
- Contact parties who might come to speak at Feb 9<sup>th</sup> CCC meeting in Chula Vista (Island Conservation (Boyce), Heal the Bay (Baker, Velez), LACSD (Witting). [Additionally, not discussed at meeting, we should contact CIC and IWS to see if they plan to come, Baker and Little.]

### TRUSTEE COUNCIL MOA

- One page summary of options for amending our Council MOA was discussed (outcomes/ Follow-up?).

### NFWF

- Pursue the initial MOA with them, non-specific to what projects / funding amounts and fee structure we'll use (Little).

## Draft Final 9-7-06 GB

- Investigate through NOAA chain whether there are any potential legal constraints that would bar use of the Guaranteed Rate of Return option with NFWF (Baker).
- Follow up next week with David Brunner on what specific arrangements (i.e. interest rates) are possible under the two hypothetical scenarios we provided them for initial deposit and periodic withdrawals (Baker).
- Provide to the TC a comparison of the three options in the NFWF table, inserting dollar amounts and expenditure assumptions to "model" how the different options would play out and which would be most advantageous (Baker/Little/Gorbics).

### MISCELLANEOUS

- Provide input to EPA and their consultant CH2M Hill on food web model inputs for Eco-Risk Assessment (Witting).
- Provide comments to Dave Witting on the draft Request for Proposals he provided for Trustee Council review, concerning wetlands and MPAs (All).
- Get comments to Milena Viljoen on draft Executive Summary; Milena to send out electronic (pdf) version to all. Focus on how we explain why we selected what we did, and incorporated public input in so doing (Viljoen lead, all to review and reply).
- Prepare a letter to NPS to be signed by Baker on behalf of the Trustee Council, expressing concern about the lead poisoning of at least one (and potentially several) NCI bald eagles on Santa Rosa (Little and Faulkner).

### UPCOMING DATES

Conference call with Jonathan Clarke: February 1, 2 PM.

Trustee Council meeting, Long Beach, two dates reserved, pick one after the CCC meeting:  
Tuesday February 28, Wednesday March 8.