

Resolution No. 2012-1

Authorizing and approving transfer of funds to NOAA for implementation of Post-Construction Monitoring of the Sabine Refuge Unit 1999 Marsh Restoration Project

The National Oceanic and Atmospheric Administration (NOAA), the Louisiana Department of Environmental Quality (LDEQ), the Louisiana Department of Wildlife and Fisheries (LDWF) and the U. S. Department of the Interior, acting through the U.S. Fish and Wildlife (the “Trustees”) Service (DOI/FWS) are responsible for overseeing implementation of the Sabine Refuge Unit 1999 Marsh Restoration Project (hereafter, “the Project”), a project to create and enhance estuarine marshes within the Sabine National Wildlife Refuge in the lower Calcasieu Estuary, as provided in the Consent Decree entered in U.S. et al v. ConocoPhillips Company et al, Case No. 2:10-cv-01556 on March 24, 2011 (W.D. La 2011). The Trustees are effecting that oversight through the undersigned representatives, who they designated to serve as a Trustee Council (hereafter, “the Council”) on their behalf for this purpose, in accordance with Paragraph 9. NOAA was identified to serve as the Lead Administrative Trustee (LAT) for purposes of coordinating the Council’s planning, activities and decisions in this regard, in accordance with Paragraph 10.

The Consent Decree required the Responsible Parties (RPs) to construct the Project in accordance with a Restoration Implementation Plan attached to the Decree. The Decree also required the Responsible Parties to pay a total of \$750,000.00 to cover all post-construction Project costs. Of this sum, \$668,000 was jointly recovered by the Trustees and paid into the Calcasieu/Bayou Verdine Restoration Account, an account within the U.S. Department of the Interior’s Natural Resource Damage Assessment and Restoration Fund, solely for use by the Trustees to pay future costs associated with the Project, including the future administrative costs and other expenses incurred in overseeing project construction, in monitoring and assessing Project performance, and in performing corrective or other restoration actions (definition of “Future Costs” at pp 9-10; Paragraph 16.)

The Council acts on behalf of the Trustees, and by consensus, on all matters related to the Project under the Decree (Paragraph 9).

The RPs constructed the Project in 2011. The Trustee Council determined and on December 15, 2011 officially certified to the RPs that construction of the Project was complete and in accordance with the requirements of the Consent Decree.

With Project construction completed, the Trustee Council intends to implement a plan for monitoring Project performance. Planned monitoring activities will be undertaken in coordination with the Trustee Council but by person or persons under a four year monitoring contract with NOAA. Monitoring costs under this contract have been negotiated and are estimated at \$390,056.00

Accordingly, the Trustee Council hereby approves and authorizes the transfer \$390,056.00 to NOAA from the Calcasieu/Bayou Verdine Restoration Account, for use and disbursement, through contract, to implement performance monitoring for the Project, in accordance with the attached letter of acceptance for post-construction monitoring.

Execution and Effective Date

This resolution may be executed in one or more counterparts. All counterpart signatures shall be considered part of the original document. The Resolution is effective upon the date of the last signature.

BY THE TRUSTEE COUNCIL:

Jean Cowan
Designated Trustee Council member
National Oceanic and Atmospheric Administration (Lead Administrative Trustee)

____/____/____

Terry Delaine

Terry Delaine
Designated Trustee Council member
U. S. Department of the Interior

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Robert Bourgeois
Louisiana Department of Wildlife and Fisheries

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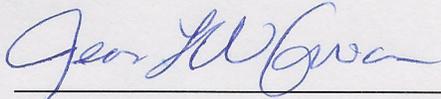
Chris Piehler
Designated Trustee Council member
Louisiana Department of Environmental Quality

____/____/____

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BY THE TRUSTEE COUNCIL:

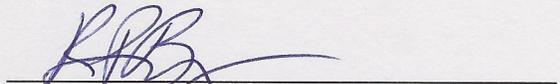


Jean Cowan
Designated Trustee Council member
National Oceanic and Atmospheric Administration (Lead Administrative Trustee)

24 / Apr / 2012

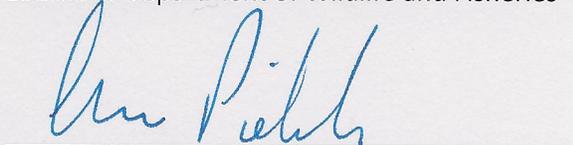
Terry Delaine
Designated Trustee Council member
U. S. Department of the Interior

____/____/____



Robert Bourgeois
Louisiana Department of Wildlife and Fisheries

25 / Apr / 2012



Chris Piehler
Designated Trustee Council member
Louisiana Department of Environmental Quality

4 / 24 / 12