



In Response Reply To:  
R8 FWS/R8/

## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Pacific Southwest Region  
2800 Cottage Way, Room W-2606  
Sacramento, California 95825-1846



#### Memorandum

JUL 16 2010

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

From: *Acting* Regional Director, Pacific Southwest Region  
Sacramento, California

Subject: Request for Allocation of Recovered NRDAR Funds for *SS Jacob Luckenbach*

As the Authorized Official for the *SS Jacob Luckenbach* Natural Resource Damage Assessment and Restoration (NRDAR) case (0388), I request the release of \$408,999 from the *SS Jacob Luckenbach* Oil Spill NRDAR Fund to the participating Trustee agencies as specified below. The Luckenbach Trustee Council approved the allocations for past costs, administration and project oversight, cost documentation and reporting, and implementation of the restoration project as memorialized in the attached Trustee Council Resolutions (10-2, 10-3 and 10-4).

#### Project 0388 SS Luckenbach

AGENCY/ OFFICE	ACTIVITY	AMOUNT	NOTES
California Department of Fish and Game, OSPR	Past Assessment Costs	\$34,891	For Account No. 01482-80005 Ref.: DFG/OSPR
US Fish & Wildlife Service	FY 2007 and FY 2008 Past Assessment Costs (costs that were supported from recycled direct and indirect monies prior to NPFC reimbursement)	\$18,862	- \$4,565 to 81420-9812-0580 - \$5,000 to 81420-9812-0449 - \$5,000 to 81420-9812-0495 - \$4,297 for FWS indirects (@ 29.5%) <ul style="list-style-type: none"><li>• \$1,602 (9831)</li><li>• \$1,165 (9841)</li><li>• \$874 (9842)</li><li>• \$656 (9843)</li></ul>
DOI, Office of the Solicitor	Past Assessment Costs	\$2,535	DOI-SOL Oakland
DOI	Past Assessment Costs (\$1,518) and 2009 Indirect Costs (\$1,385)	\$2,903	

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NOAA, NOAA Restoration Center	Past Assessment Costs	\$24,544	NOAA Restoration Center
US Fish & Wildlife Service, Sacramento FWO	Administration and Project Oversight; Cost Documentation and Reporting	\$69,800	For Acct. No. 81420-9821-0388 [\$38,000 in house and \$31,800 pass through]
US Fish & Wildlife Service, San Francisco Bay NWR Complex	Implementation of Mouse Eradication on the Farallon Islands Project	\$247,964	For Acct. No. 81640-9821-0388 [\$185,228 pass through and \$62,736 in house]
NOAA, Gulf of the Farallones NMS	Implementation of Mouse Eradication on the Farallon Islands Project	\$7,500	Gulf of the Farallones NMS

If you have any questions regarding this request, please contact Damian K. Higgins at (916) 414-6548.

Attachment(s)

cc

Dolores Savignano, FWS, Arlington, Virginia

Jennifer Anderson, FWS, Portland, Oregon

Chuck McKinley, DOI-SOL, Oakland, California

John DiGregoria, NPS PORE, Point Reyes National Seashore, California

Jennifer Boyce, NOAA Restoration Center, Long Beach, California

Laurie Lee, NOAA Office of General Counsel, Long Beach, California

Steve Hampton, CDFG OSPR, Sacramento, California

Katherine Verrue-Slater, CDFG OSPR, Sacramento, California

Adopted 7/2/10

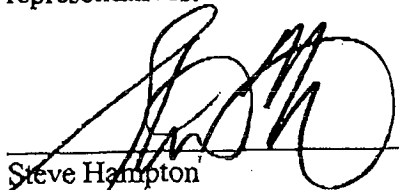
**Luckenbach Trustee Council  
Resolution Regarding Disbursement of Funds  
to Reimburse Past Assessment Costs**

1. The State of California, acting through the Department of Fish and Game (CDFG); the National Oceanic and Atmospheric Administration (NOAA); and the Department of the Interior, 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 release of oil from the *SS Jacob Luckenbach*.
2. The Trustees have entered into a Memorandum of Understanding (MOU) among themselves for the purpose of coordinating their trust responsibilities. The MOU further requires the Trustee Council to memorialize all expenditures of funds deposited into the Luckenbach NRD Account within the NRDAR Fund in a Trustee Council Resolution signed by the participating voting members.
3. The National Pollution Funds Center (NPFC), in adjudicating the Luckenbach NRDA claim, deposited funds for restoration projects, Trustee Council administration and oversight, cost documentation and reporting, and past assessment costs incurred by the Trustee agencies, into the Luckenbach NRDAR Account. The purpose of this resolution is to disburse the past assessment cost reimbursement to the appropriate agencies, in accordance with their expenditures.
4. The Trustee Council hereby authorizes the disbursement of the following funds (totaling \$82,350) from the Luckenbach NRDAR Account to reimburse the Trustees for past assessment costs, as allocated by the NPFC:
  - \$34,891 to CDFG, Office of Spill Prevention and Response;
  - \$18,862 to USFWS;
  - \$2,535 to DOI SOL;
  - \$1,518 to DOI; and
  - \$24,544 to NOAA.
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.

Luckenbach Trustee Council Resolution 10-2  
(cont.)

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 Luckenbach Trustee Council representatives:

  
\_\_\_\_\_  
Steve Hampton  
California Department of Fish and Game

6/17/10  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Jennifer Boyce  
National Oceanic and Atmospheric Administration

\_\_\_\_\_  
Date

\_\_\_\_\_  
Janet Whitlock  
U.S. Fish and Wildlife Service

\_\_\_\_\_  
Date

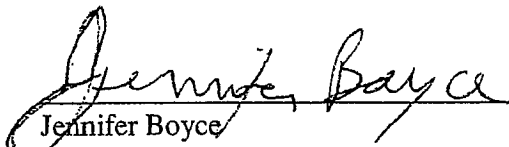
Luckenbach Trustee Council Resolution 10-2  
(cont.)

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 Luckenbach Trustee Council representatives:

\_\_\_\_\_  
Steve Hampton  
California Department of Fish and Game

\_\_\_\_\_  
Date

  
Jennifer Boyce  
National Oceanic and Atmospheric Administration

6/14/10  
Date

\_\_\_\_\_  
Janet Whitlock  
U.S. Fish and Wildlife Service

\_\_\_\_\_  
Date

Luckenbach Trustee Council Resolution 10-2  
(cont.)

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 Luckenbach Trustee Council representatives:

\_\_\_\_\_  
Steve Hampton  
California Department of Fish and Game

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jennifer Boyce  
National Oceanic and Atmospheric Administration

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Janet Whitlock  
U.S. Fish and Wildlife Service

7/2/10  
\_\_\_\_\_  
Date

Adopted 7/2/10


**Luckenbach Trustee Council  
Resolution Regarding Disbursement of Funds  
for Trustee Council Oversight and Administration and  
Cost Documentation and Reporting Costs**

1. The State of California, acting through the Department of Fish and Game (CDFG); the National Oceanic and Atmospheric Administration (NOAA); and the Department of the Interior, 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 release of oil from the *SS Jacob Luckenbach*.
2. The Trustees have entered into a Memorandum of Understanding (MOU) among themselves for the purpose of coordinating their trust responsibilities. The MOU further requires the Trustee Council to memorialize all expenditures of funds deposited into the Luckenbach NRD Account within the NRDAR Fund in a Trustee Council Resolution signed by the participating voting members.
3. The National Pollution Funds Center (NPFC), in adjudicating the Luckenbach NRDA claim, deposited funds for restoration projects, Trustee Council administration and oversight, cost documentation and reporting, and past assessment costs incurred by the Trustee agencies, into the Luckenbach NRDAR Account. The purpose of this resolution is to disburse funds totaling \$71,185 for Trustee Council administration and oversight and cost documentation and reporting costs to the appropriate agencies.
4. The Trustee Council hereby authorizes the disbursement of \$39,385 from the Luckenbach NRDAR Account for Trustee Council administration and oversight:
  - \$38,000 to USFWS; and
  - \$1,385 to DOI for indirect costs associated with USFWS and DOI SOL oversight work in 2009.
5. The Trustee Council hereby authorizes the disbursement of the following funds from the Luckenbach NRDAR Account for cost documentation and reporting:
  - \$31,800 to USFWS.
6. 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.

Luckenbach Trustee Council Resolution 10-3  
(cont.)

7. 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 Luckenbach Trustee Council representatives:

  
\_\_\_\_\_  
Steve Hampton  
California Department of Fish and Game

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Jennifer Boyce  
National Oceanic and Atmospheric Administration

\_\_\_\_\_  
Date

\_\_\_\_\_  
Janet Whitlock  
U.S. Fish and Wildlife Service

\_\_\_\_\_  
Date



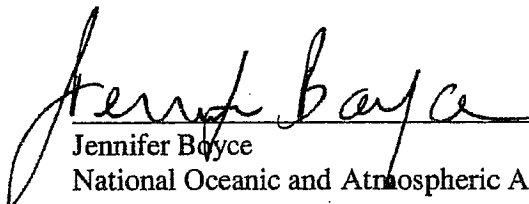
Luckenbach Trustee Council Resolution 10-3  
(cont.)

7. 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 Luckenbach Trustee Council representatives:

\_\_\_\_\_  
Steve Hampton  
California Department of Fish and Game

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jennifer Boyce  
National Oceanic and Atmospheric Administration

6/30/2010  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Janet Whitlock  
U.S. Fish and Wildlife Service

\_\_\_\_\_  
Date

Luckenbach Trustee Council Resolution 10-3  
(cont.)

7. The effective date of this resolution shall be the date on which the last Trustee signs this resolution.

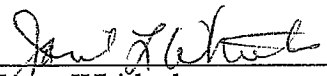
Concurred in by the following who are the duly authorized Luckenbach Trustee Council representatives:


\_\_\_\_\_  
Steve Hampton  
California Department of Fish and Game

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jennifer Boyce  
National Oceanic and Atmospheric Administration

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Janet Whitlock  
U.S. Fish and Wildlife Service

  
\_\_\_\_\_  
Date

Adopted 7/2/10


**Luckenbach Trustee Council  
Resolution Regarding Disbursement of Funds  
for Restoration Projects**

1. The State of California, acting through the Department of Fish and Game (CDFG); the National Oceanic and Atmospheric Administration (NOAA); and the Department of the Interior, 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 release of oil from the *SS Jacob Luckenbach*.
2. The Trustees have entered into a Memorandum of Understanding (MOU) among themselves for the purpose of coordinating their trust responsibilities. 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 deposited into the Luckenbach NRD Account within the NRDAR Fund in a Trustee Council Resolution signed by the participating voting members. The settlement funds placed in the Luckenbach NRDAR Account 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 Luckenbach Trustee Council.
4. The Trustee Council hereby authorizes the total disbursement of \$255,464 from the Luckenbach NRDAR Account for the following restoration projects:
  - \$247,964 to USFWS San Francisco Bay NWR for implementation of the Mouse Eradication on the Farallon Islands project; and
  - \$7,500 to NOAA (Gulf of the Farallones National Marine Sanctuary) for implementation of the Mouse Eradication on the Farallon Islands project.
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.

## Luckenbach Trustee Council Resolution 10-4 (cont.)

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 Luckenbach Trustee Council representatives:

  
\_\_\_\_\_  
Steve Hampton  
California Department of Fish and Game

7/1/10  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Jennifer Boyce  
National Oceanic and Atmospheric Administration

\_\_\_\_\_  
Date

\_\_\_\_\_  
Janet Whitlock  
U.S. Fish and Wildlife Service

\_\_\_\_\_  
Date

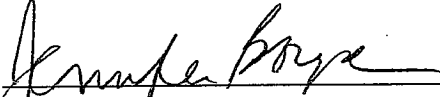
Luckenbach Trustee Council Resolution 10-4 (cont.)

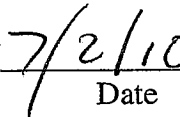
6. The effective date of this resolution shall be the date on which the last Trustee Signs this resolution.

Concurred in by the following who are the duly authorized Luckenbach Trustee Council representatives:

\_\_\_\_\_  
Steve Hampton  
California Department of Fish and Game

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jennifer Boyce  
National Oceanic and Atmospheric Administration

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Janet Whitlock  
U.S. Fish and Wildlife Service

\_\_\_\_\_  
Date

Luckenbach Trustee Council Resolution 10-4 (cont.)

6. The effective date of this resolution shall be the date on which the last Trustee Signs this resolution.

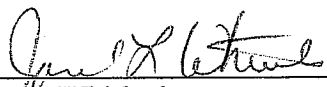
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\_\_\_\_\_  
Steve Hampton  
California Department of Fish and Game

\_\_\_\_\_  
Date

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Jennifer Boyce  
National Oceanic and Atmospheric Administration

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Janet Whitlock  
U.S. Fish and Wildlife Service

  
\_\_\_\_\_  
Date