

Resolution

COURT REGISTRY ACCOUNT
IN RE: BURLINGTON NORTHERN and SANTA FE RAILWAY COMPANY
CASE 03-CV-01105

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WHEREAS, the Clovis Trustee Council was created pursuant to the Memorandum of Agreement mutually entered into by the U.S. Department of Interior, Fish and Wildlife Service (FWS) and the New Mexico Office of Natural Resources Trustee (ONRT);

WHEREAS, the AT&SF Clovis Court Registry Account was established by the Court Order of January 14, 2004, in Civil Action No. 03-CV-01105 in the United States District Court for the District of New Mexico;

WHEREAS, the Clovis Trustee Council, by unanimous consent (see signatures of the trustee representatives), agrees that the following is an appropriate distribution of funds from the Court Registry Account and that the Trustee Council should seek an order from the district court distributing these funds as follows:

1. \$69,253.00 shall be disbursed on or about June 1, 2007, payable to the FWS for staff personnel expenses incurred for evaluation and selection of potential restoration projects, for preparation, review and finalization of a restoration plan, for development and publication of outreach materials, and for monitoring, management and oversight of the Curry County Playa Restoration Project implementation;

WHEREAS, funds payable to the FWS shall be electronically wired to the U.S Department of Interior Restoration Fund 0371, Washington, DC;

WHEREAS, any funds not used by the FWS for project monitoring, management and oversight of the Curry County Playa Restoration Project described in Section 1. is to be transferred to the ONRT to be used for additional wetland habitat restoration activities as described in Section 2.b).


2. \$ 389,747.00 shall be disbursed on or about June 1, 2007, payable to the ONRT for:
 - a) \$27,731.00 for ONRT staff expenses incurred for evaluation and selection of potential restoration projects, for preparation, review and finalization of a restoration plan, and for monitoring, management and oversight of the Curry County Playa Restoration Project implementation; and
 - b) Curry County Playa Restoration Project funding for the Central Curry Soil and Water

Conservation District via professional services agreement, (\$362,016.00 plus accrued interest);

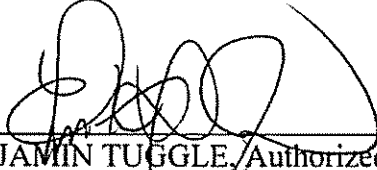
WHEREAS, funds payable to the ONRT shall be made payable by check. Payment and accompanying transmittal notice shall reference: "AT&SF Clovis Habitat Restoration." Payment shall be sent to: New Mexico Environment Department, Financial Services Bureau, c/o Charles Martinez, P.O. Box 26110, Santa Fe, NM 87502-0110;

WHEREAS, any funds not used by the ONRT for project monitoring, management and oversight of the Curry County Playa Restoration Project described in Section 2.a) are to be used for additional wetland habitat restoration activities as described in Section 2.b)

NOW THEREFORE BE IT RESOLVED that the Clovis Trustee Council agrees by unanimous consensus that the above-described funds should be withdrawn from the AT&SF Clovis Court Registry Account and distributed for the purposes set out above, in accordance with law.


REBECCA de NERI/ZAGAL, Executive Director
New Mexico Office of Natural Resource Trustee

5-3-07
Date


BENJAMIN TUGGLE, Authorized Official (or his acting)
U.S. Department of Interior
Fish and Wildlife Service

5-11-07
Date