

**RESOLUTION OF THE
PORTLAND HARBOR NATURAL RESOURCE TRUSTEE COUNCIL**

Linnton Plywood Association Settlement Funds

Trustees:

Confederated Tribes of the Grand Ronde Community of Oregon
Confederated Tribes of Siletz Indians of Oregon
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation of Oregon
Nez Perce Tribe
Oregon Department of Fish and Wildlife
United States Department of the Interior
National Oceanic and Atmospheric Administration

Pursuant to the Natural Resource Trustee Memorandum of Agreement for the Portland Harbor Superfund Site, the Natural Resource Trustees for the Portland Harbor Superfund Site (Site) established a Trustee Council with the authority to conduct activities associated with a natural resource damage assessment (NRDA) for the Site, including participating in settlement discussions with potentially responsible parties at the Site. The Trustee Council consists of one representative from each of the Trustees listed above.

In 2014, the National Oceanic and Atmospheric Administration (NOAA) and the Department of the Interior (DOI), on behalf of the Trustee Council, worked with the United States Environmental Protection Agency (EPA) and United States Department of Justice (USDOJ) on the ability-to-pay settlement and consent decree related to Linnton Plywood Association (LPA). The basis of the Trustee Council's claim was an estimate of ecological natural resource damages allocated to LPA's Portland Harbor property, Site 103, and NOAA's and DOI's unreimbursed damage assessment costs. The Trustee Council and EPA agreed that recoveries from the settlement would be distributed as follows: EPA would receive 75% of the recoveries and the Trustee Council would receive 25%. To date, the Trustee Council has received three recoveries from the LPA ability-to-pay settlement totaling \$737,534.01. The recoveries are from the sale proceeds of Site 103, a settlement between LPA and one of its insurers, and an insurance settlement for a policy that had been placed in the Insurance Recovery Trust. (Note: A previous resolution, 2017-02, signed by the Trustee Council contained the incorrect recovered dollar amount, which is the basis for the allocations to NOAA and DOI, but no allocation action was taken as a result of resolution 2017-02. Resolution 2017-03 supersedes resolution 2017-02.)

The Trustee Council believes that the LPA ability-to-pay settlement represents a good faith estimate, based on available information, of LPA's fair share of natural resource damages liability at Portland Harbor. Furthermore, the Trustee Council agrees that any recoveries would be deposited in the DOI Natural Resource Damage Assessment and Restoration (NRDAR) Fund account for joint use by the Trustee Council. A portion of the recoveries will be used by the Trustee Council to fund further assessment work and/or to implement restoration to restore, replace, rehabilitate or acquire the equivalent of the injured natural resources. NOAA and DOI will each receive 10% of the monies recovered from the LPA ability-to-pay settlement to date, that is, \$73,753.40 each, from the DOI NRDAR Fund account to reimburse part of the agencies' unreimbursed past costs.

Natural Resource Trustee	Allocation Amount
National Oceanic and Atmospheric Administration	\$73,753.40
Department of the Interior	\$73,753.40
Total	\$147,506.80

By this Resolution, the Trustee Council approves the allocation of \$73,753.40 to NOAA and \$73,753.40 to DOI as shown above and requests that the DOI NRDAR Fund Manager distribute the funds accordingly.



Brandy Humphreys
Confederated Tribes of the Grand Ronde Community of Oregon

Date 24 Feb 2017

Tom Downey
Confederated Tribes of Siletz Indians of Oregon

Date

Matthew Johnson
Confederated Tribes of the Umatilla Indian Reservation

Date

Jennifer Graham
Confederated Tribes of the Warm Springs Reservation of Oregon

Date

Courtney Johnson
Nez Perce Tribe

Date

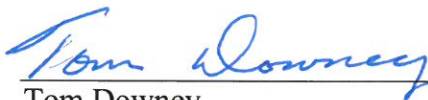
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Confederated Tribes of the Grand Ronde Community of Oregon

Date



2/23/17

Tom Downey
Confederated Tribes of Siletz Indians of Oregon


Date

Matthew Johnson
Confederated Tribes of the Umatilla Indian Reservation

Date

Jennifer Graham
Confederated Tribes of the Warm Springs Reservation of Oregon

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Courtney Johnson
Nez Perce Tribe

2-23-17

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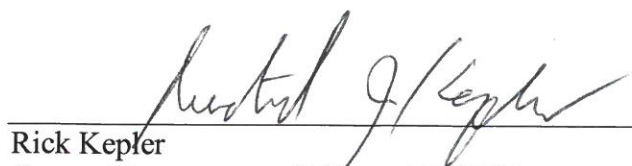
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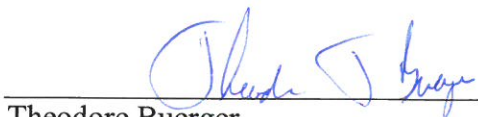
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Courtney Johnson
Nez Perce Tribe



Rick Kepler
Oregon Department of Fish and Wildlife

Date 2/23/17



Theodore Buerger
Fish and Wildlife Service
United States Department of the Interior

Date 2/23/17



Robert Taylor
National Oceanic and Atmospheric Administration

Date 2/23/17