PORT ANGELES HARBOR TRUSTEE COUNCIL RESOLUTION NO. 11

ADOPTED May 2023

The Trustee Council consists of the Washington State Department of Ecology; the Lower Elwha Klallam Tribe; the Port Gamble S'Klallam Tribe; the Jamestown S'Klallam Tribe; the U.S. Department of the Interior, represented by the U.S. Fish and Wildlife Service; and the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce.

The Trustee Council is operating under the 2021 MOA *Relating to Port Angeles Harbor Natural Resources Restoration Planning & Implementation ("Restoration MOA"),* which was fully executed on November 22, 2021. That MOA provides the framework of coordination and cooperation for the Trustees in natural resources restoration planning and implementation associated with the Port Angeles Harbor. It is intended to supplement the 2012 Trustee MOA ("*Natural Resource Trustees Memorandum of Agreement for the Port Angeles Harbor*"), which remains fully in effect for the purposes for which it was entered into, including assessment of damages for injuries to natural resources resulting from contamination at or from facilities in the Port Angeles Harbor and assertion of claims against Potentially Responsible Parties (PRPs).

Pursuant to the 2012 MOA, the Trustees entered into two Consent Decrees with certain PRPs, under which the Trustees received funds from the PRPs to be used for restoration of natural resources of Western Port Angeles Harbor. In conjunction with the Consent Decrees, the Trustees prepared a Draft Damage Assessment and Restoration Plan (DARP) addressing restoration alternatives for the affected natural resources. The Draft DARP was released for formal public review and comment on March 26, 2021, and the public comment period closed on April 26, 2021. The Trustee Council authorized the adoption of the Final DARP and its inclusion in the Administrative Record, along with a published notice announcing its public availability, via Trustee Council Resolution No. 9, which was fully executed on June 3, 2021. The restoration funds paid under the Consent Decrees are held in NRDAR Account #0668.

Pursuant to Section IV of the 2021 Restoration MOA, the Trustee Council is required to memorialize all authorizations of expenditures or obligations of restoration funds.

NOW THEREFORE, IT IS HEREBY RESOLVED THAT: The Trustee Council approves the following disbursements of restoration funding from NRDAR Account #0668:

$23,000.00 for early action eelgrass transplantation activities consistent with Figure 4 on page 23 of the Final DARP. The early action eelgrass transplantation activities are outlined in the memorandum dated May 18, 2023 from Matt Beirne, Lower

Elwha Klallam Tribe NRD TC Representative, sent to the Port Angeles Harbor Natural Resources Trustee Council, regarding *Proposal to utilize Western Port Angeles Harbor NRD Settlement monies to support PNNL Eelgrass transplant activities* (Attached as Appendix A). Eelgrass planting should be completed along with a summary of those activities by September 30, 2023. An eelgrass monitoring dive will be completed by July 31, 2024, and a Monitoring Report will be completed and submitted to the Trustee Council by September 30, 2024.

By their signatures below, representatives of the Trustees hereby certify that this Resolution was adopted in compliance with decision-making procedures adopted by the Trustee Council.

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.

THE WASHINGTON DEPARTMENT OF ECOLOGY

BY: _____ ON: _____

THE LOWER ELWHA KLALLAM TRIBE

BY: _____ ON: _____

THE PORT GAMBLE S'KLALLAM TRIBE

BY: _____ ON: _____

THE JAMESTOWN S'KLALLAM TRIBE

BY: _____ ON: _____

UNITED STATES FISH AND WILDLIFE SERVICE ON BEHALF OF THE DEPARTMENT OF THE INTERIOR

BY: _____ ON: _____

THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

BY: CEREGHINO.PAUL.RAPHAEL.1380898370 ON: Digitally signed by CEREGHINO.PAUL.RAPHAEL.1380898370 Date: 2023.05.31 17:26:16 -07'00'