

REGION-WIDE RESTORATION AREA TRUSTEE IMPLEMENTATION GROUP
of the
DEEPWATER HORIZON TRUSTEE COUNCIL

In re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico
on April 20, 2010,

Civil Action Nos. 10-4536; 10-04182; 10-03059; 13-4677; 13-158; 13-00123 (ED. La.)
MDL No. 2179


Resolution # RW-2016-005

Resolution of the Region-wide Trustee Implementation Group for the Withdrawal of Phase II Early Restoration Project Funds for the Department of the Interior’s National Park Service


1. In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act (NEPA), and the *Deepwater Horizon Oil Spill Phase II Early Restoration Plan and Environmental Review* (Final Phase II ER), the undersigned representatives of the Region-wide Trustee Implementation Group (TIG) hereby request a withdrawal of the remaining project funds for continued implementation of the early restoration project set forth below to continue restoration of natural resources and services injured or lost as a result of the *Deepwater Horizon* oil spill, which occurred on or about April 20, 2010, in the Gulf of Mexico.
2. Pursuant to Paragraph II.A. of the *Stipulation Regarding Early Restoration Project for the Deepwater Horizon Oil Spill – Enhanced Management of Avian Breeding Habitat Injured by Response Activities in the Florida Panhandle, Alabama, and Mississippi*, \$4,420,320 was provided by BPXP to implement the Enhanced Management of Avian Habitat Injured by Response Activities in the Florida Panhandle, Alabama, and Mississippi Project as described in Appendix A of the Stipulation. As of the date of execution of this Resolution, the Department of the Interior (DOI), as an Implementing Trustee, has received \$1,585,320, which is 86% of the DOI-allocated project funds.
3. Pursuant to Paragraphs 17 and 18 of the Consent Decree entered on April 4, 2016 in this matter, BPXP paid to the *Deepwater Horizon* Oil Spill Natural Resource Damage (NRD) Fund, which is a subaccount within the Department of the Interior’s (DOI) Restoration Fund, all unpaid monies (including accrued interest) from the \$1 billion fund established for early restoration under the *Framework for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill* (Framework Agreement), dated April 20, 2011. BPXP’s payment was made on April 27, 2016 in the amount of \$152,249,470.25, plus accrued interest in the amount of \$573,298.23.

4. Included as part of this payment is \$237,798 which is the remaining 14% (contingency) for the project funds allocated to the FL Avian Breeding Habitat Project (FL & DOI) for the Restoration Type “Birds” as documented in Appendix 2, Table 2 of the Consent Decree.
5. The Enhanced Management of Avian Habitat Injured by Response Activities in the Florida Panhandle, Alabama, and Mississippi Project was selected by the *Deepwater Horizon* Trustees as part of the Final Phase II ER. The selected project is also consistent with the Trustees’ selection of the Preferred Alternative (Alternative A) of the February 2016 *Deepwater Horizon Oil Spill Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement*, the associated Record of Decision, and the Consent Decree.
6. Funds transferred from the DOI’s Restoration Fund to DOI as authorized by this Resolution may be used only for the activities authorized by this Resolution and as specified in the *Stipulation Regarding Early Restoration Project for the Deepwater Horizon Oil Spill– Enhanced Management of Avian Habitat Injured by Response Activities in the Florida Panhandle, Alabama, and Mississippi Project*. Any other use of funds disbursed pursuant to this Resolution is prohibited. Any non-authorized use of disbursed funds must be reported to the full TIG immediately upon discovery of unauthorized use.
7. The Region-wide TIG will comply with the terms and conditions of all federal and state permits in the course of performing the *Early Restoration Project for the Deepwater Horizon Oil Spill – Enhanced Management of Avian Breeding Habitat Injured by Response Activities in the Florida Panhandle, Alabama, and Mississippi*.
8. Through this Resolution and the attached *Deepwater Horizon* Trustee Withdrawal Form, the Region-wide TIG requests disbursement of \$237,798 in contingency funding from DOI’s Restoration Fund to DOI for the continued implementation of the Enhanced Management of Avian Habitat Injured by Response Activities in the Florida Panhandle, Alabama, and Mississippi Project. The \$237,798 will support habitat management activities during the last year of the 5-year project. These funds are necessary due to unforeseen cost overruns associated with activities undertaken pursuant to Section 106 of the National Historic Preservation Act.
9. It is resolved that the duly authorized officials for the Region-wide TIG authorize the release of these funds. This Resolution may be authorized in counterparts.

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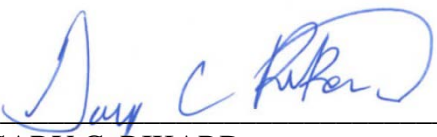


N. GUNTER GUY, JR.
Principal Representative for Alabama Trustees




KELLY SAMEK
Principal Representative for Florida Trustees

JOHNNY B. BRADBERRY
Representative for Louisiana



GARY C. RIKARD
Principal Representative for Mississippi

ANGELA SUNLEY
Principal Representative for Texas Trustees

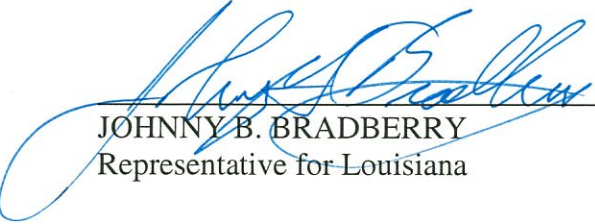


CHRISTOPHER D. DOLEY
Principal Representative, National Oceanic and Atmospheric Administration

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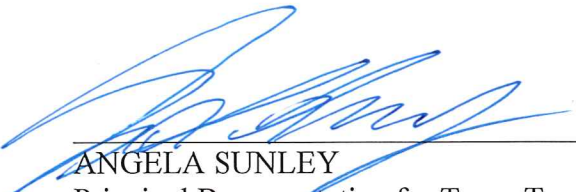
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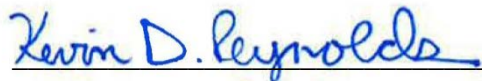
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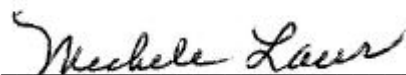
ANGELA SUNLEY
Principal Representative for Texas Trustees

CHRISTOPHER D. DOLEY
Principal Representative, National Oceanic and Atmospheric Administration



KEVIN D. REYNOLDS

Deepwater Horizon NRDAR Case Manager, Department of the Interior



MICHELE LAUR

Primary Representative, U.S. Department of Agriculture



MARY KAY LYNCH

Alternate to Principal Representative, U.S. Environmental Protection Agency

DATE OF LAST SIGNATURE: November 29, 2016