

**MASSACHUSETTS SUBCOUNCIL
of the
HOUSATONIC RIVER TRUSTEE COUNCIL**

**RESOLUTION # 4
NOAA Withdrawal from MA SubCouncil**

United States, et al., v. General Electric Company,
CIVIL ACTION NOS. 99-30225-MAP; 99-30226-MAP; AND 99-30227-MAP (D. MASS.)

1. Whereas, the United States Department of Commerce, acting by and through the National Oceanic and Atmospheric Administration (“NOAA”), the Commonwealth of Massachusetts, acting by and through its Executive Office of Environmental Affairs (“EOEA”), the State of Connecticut, acting by and through its Department of Environmental Protection (“CTDEP”), the United States Department of the Interior (“DOI”), acting by and through the United States Fish and Wildlife Service (“USFWS”), are the four natural resource trustee agencies (the "Trustees") responsible for restoration in the Housatonic River Environment with respect to the above-referenced case;
2. Whereas, the Trustees have entered into a Memorandum of Agreement ("MOA") effective January 30, 2002, to coordinate activities for the above-referenced case; and pursuant to Section VII Paragraph B (1) of the MOA, a SubCouncil has been established, consisting of three voting members from the Mass. Trustee and the Federal Trustee agencies, EOEA, NOAA, and USFWS, and non-voting Ex Officio Delegates (hereinafter the “MA SubCouncil”), for the purposes of developing and implementing a Restoration Plan for the recovery allocated to the geographic area of Massachusetts; and
3. Whereas, per letter dated September 14, 2004, NOAA has submitted to the MASubCouncil its resignation and thus withdraws its associated decision-making responsibilities on the MA SubCouncil.
4. NOW, THEREFORE IT IS HEREBY RESOLVED: The MA SubCouncil shall hereafter consist of two voting members (the Mass. Trustee and the Federal Trustee USFWS) and non-voting Ex Officio Delegates. The withdrawal by NOAA from the MASubCouncil terminates its status as a voting member of the MASubCouncil but has no such affect on other Trustee responsibilities as outlined in the MOA, including but not limited to those per Paragraph V “OVERSIGHT OF TRUSTEE-RELATED WORK REQUIRED UNDER THE CONSENT DECREE”.

By their signatures below, the Trustee Representatives of the MA SubCouncil hereby certify that this Resolution was adopted with the unanimous decision-making procedures agreed to by the Trustees in the MOA. CONCURRED IN by the following who are duly authorized MA SubCouncil Trustee Representatives.

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FOR THE COMMONWEALTH OF MASSACHUSETTS

Oct. 5, 2004

Date

Dale C. Young

Dale Young, NRD Program Director
Executive Office of Environmental Affairs
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Boston, MA 02114

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FOR THE U.S. DEPARTMENT OF THE INTERIOR

10/4/04

Date

Veronica W. Varela

Veronica Varela, NRDAR Specialist
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FOR THE U.S. DEPARTMENT OF COMMERCE

OCT 4, 2004

Date

K S

Kenneth Finkelstein, Ph.D., Trustee Representative
National Oceanic and Atmospheric Administration
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1 Congress Street
Boston, MA 02114

TO: Doyle Jones