

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

United States, et al., v. General Electric Company,
Civil Action Nos. 99-30225-MAP; 99-30226-MAP; and 99-30227-MAP (D. Mass.)

RESOLUTION # 11

Release of \$278,475.00 in Funds for Restoration to the Natural Heritage Endangered Species Program
of the Executive Office of Energy & Environmental Affairs

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 Energy and Environmental Affairs ("EEA"), 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 ("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) and Resolution #4 to the MOA, a Trustee SubCouncil for the Geographic Region of Massachusetts ("MA SubCouncil") has been established, consisting of two voting members from the Mass. Trustee and the Federal Trustee agencies, EEA and USFWS, and non-voting Ex Officio Delegates;
3. *Whereas*, the sums recovered for the restoration activities, in the civil action referred to above, are being held in the Natural Resource Damages Assessment and Restoration (NRDAR) Fund, Account #0251 (Housatonic River - MA Restoration), administered by the DOI and jointly managed by the MA SubCouncil; and
4. *Whereas*, the USFWS and EEA have approved the "Final Round 1 Restoration Plan and Supplemental Environmental Assessment (RP/SEA)", September 10, 2007, as prepared by Woodlot Alternatives, Inc. for the MA SubCouncil, Housatonic River Natural Resource Trustees, and the MA SubCouncil has authorized the EEA to conduct the contracting necessary for the implementation of such projects in the amount of \$4,000,000.00;
5. *NOW, THEREFORE, BE IT RESOLVED*, after a thorough review of the proposed uses for such sums, the MA SubCouncil authorizes the release of funds from the DOI NRDAR Account #0251 (Housatonic River - MA Restoration) to the EEA Massachusetts Division of Fisheries and Wildlife for the implementation of a Round 1 Restoration Project, "Rare Species Recovery on the Housatonic River" as approved by the MA SubCouncil in the Final RP/SEA. These funds shall be transferred and allocated in accordance with an MOA by and between the Massachusetts Division of Fisheries and Wildlife, the EEA, and the USFWS (see attached):
 - \$278,475.00 to be transferred to the Natural Heritage Endangered Species Program (NHESP) of EEA for purposes of initial funding for Fiscal Years 2008 and 2009 as described in the RP/SEA and in the attached Scope of Work. Such transfer shall be electronic to the NHESP as detailed in the attached Automated Clearing House (ACH) Payment Enrollment Form.

CONCURRED IN by the following who are duly authorized:

VWV 7/8/08

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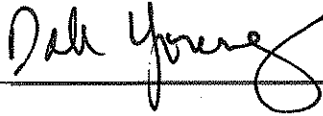
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to the Natural Heritage Endangered Species Program of the Executive Office of Energy &
Environmental Affairs

FOR THE COMMONWEALTH OF MASSACHUSETTS

7/8/2008

Date



Dale Young
MA SubCouncil Trustee Representative
NRD Program Director
Executive Office of Energy and Environmental Affairs
Suite 900
100 Cambridge Street
Boston, MA 02114

MASSACHUSETTS SUBCOUNCIL
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RESOLUTION # 11
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to the Natural Heritage Endangered Species Program of the Executive Office of Energy & Environmental Affairs

FOR THE U.S. DEPARTMENT OF THE INTERIOR

7/8/08

Date

Veronica W. Varela

Veronica Varela
MA SubCouncil Trustee Representative
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MEMORANDUM

TO: Bruce Nesslage, NRDAR Manager, DOI
FROM: Dale Young, Lead Administrative Trustee *DY*
RE: **DOI NRDAR Disbursement Request: \$278,475.00**
GE/Housatonic River NRD: Massachusetts Restoration Account # 0251
*Resolution #11: Release of Funds for Executive Office of Energy and Environmental Affairs
Restoration Activities:*
DATE: July 3, 2008

As Lead Administrative Trustee for the GE/Housatonic River NRD case, I am requesting a disbursement from the DOI NRDAR Massachusetts Restoration Account (Project # 0251) for the sole purpose of funding a restoration project approved by the MA SubCouncil in the "Final Round 1 Restoration Plan and Supplemental Environmental Assessment" developed by the MASubCouncil for the GE/Housatonic River Trustees.

In accordance with the above, I am requesting the disbursement of funding for the restoration project, "Rare Species Recovery on the Housatonic River". For these purposes, attached is Resolution #11 *Release of \$278,475.00 in Funds for Restoration to the Natural Heritage Endangered Species Program of the Executive Office of Energy & Environmental Affairs.* In addition, these funds are being transferred and allocated in accordance with an MOA by and between the Massachusetts Division of Fisheries and Wildlife, the EEA, and the USFWS as attached.

The Funds should be made payable as follows:

- **\$278,475.00** to be transferred to the Natural Heritage Endangered Species Program (NHESP) of EEA for purposes of initial funding for Fiscal Years 2008 and 2009 as described in the RP/SEA and the attached Scope of Work. Such transfer shall be electronic to the NHESP as detailed in the attached Automated Clearing House (ACH) Payment Enrollment Form.

As always if you have any questions in regards to this matter, please do not hesitate to contact me at 617-626-1134.

Cc: Veronica Varela, USFWS
Henry Woolsey, DFW/NHESP
Karen Dolan, DFW/NHESP