

**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 # 12

Release of \$178,475 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 2nd 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 the MOA entered into by and between the Massachusetts Division of Fisheries and Wildlife, the EEA, and the USFWS:
 - \$178,475 to be transferred to the Natural Heritage Endangered Species Program (NHESP) of EEA for purposes of funding Fiscal Year 2010 as described in the RP/SEA and MOA. Such transfer shall be electronic to the NHESP as detailed in the Automated Clearing House (ACH) Payment Enrollment Form previously submitted.

CONCURRED IN by the following who are duly authorized:

VWV

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FOR THE COMMONWEALTH OF MASSACHUSETTS

10/2/09

Date

Dale C. Young

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FOR THE U.S. DEPARTMENT OF THE INTERIOR

10/2/09

Date

Veronica W. Varela

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