

**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 # 19**

Release of \$361,935 to Massachusetts Executive Office of Energy & Environmental Affairs  
for Restoration

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) of the MOA, a Trustee SubCouncil for the Geographic Region of Massachusetts ("MA SubCouncil") has been established and subsequently revised pursuant to MA SubCouncil Resolution #4 to consist 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 DOI/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, 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 for continued implementation of Round 1 Restoration Projects as approved by the MA SubCouncil in the Final RP/SEA. These funds shall be transferred and allocated as follows at this time:
  - **\$361,935 to the EEA NRD Trust Account # 2000-6020**, Such funds shall be used for on-going reimbursement of contract costs for "State Fiscal Years 2010 and 2011" restoration as described in the attached memorandum dated August 20, 2010. These funds will be transferred and allocated to the EEA NRD Trust Account # 2000-6020, to the attention of Bill Nichols, EEA Fiscal Director.

CONCURRED IN by the following who are duly authorized:

MASSACHUSETTS SUBCOUNCIL  
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FOR THE COMMONWEALTH OF MASSACHUSETTS

8/20/10

Date

Karen I. Pelto

Karen I. Pelto  
MA SubCouncil Trustee Representative  
Department of Environmental Protection  
Bureau of Waste Site Cleanup  
One Winter Street, 8<sup>th</sup> Floor  
Boston, MA 02114

MASSACHUSETTS SUBCOUNCIL  
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FOR THE U.S. DEPARTMENT OF THE INTERIOR

8/20/10

Date

Kenneth Munney

Kenneth Munney  
MA SubCouncil Trustee Representative  
U.S. Fish and Wildlife Service  
New England Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

IAN A. BOWLES  
Secretary

LAURIE BURT  
Commissioner

**MEMORANDUM**

TO: Bruce Nesslage, NRDAR Manager, DOI

FROM: Karen Pelto, Lead Administrative Trustee

RE: **DOI NRDAR Disbursement Request: \$361,935**  
**GE/Housatonic River NRD: Massachusetts Restoration Account # 0251**  
*Resolution #19: Release of Funds for MA Executive Office of Energy & Environmental Affairs*

DATE: August 20, 2010

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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 purpose of funding restoration projects approved by the MA SubCouncil in the "Final Round 1 Restoration Plan & Supplemental Environmental Assessment" (RP/EA) developed by the MASubCouncil for the GE/Housatonic River Trustees.

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. To date, \$1,693,127.54 has been invoiced to EEA for restoration project implementation but only \$1,591,269 has been transferred to EEA from the DOI NRDAR Fund.

Therefore, I am requesting disbursement of funds to cover restoration project expenses through FY10 in the amount of \$101,858.54.

Additionally, I am requesting a disbursement of funds for the following restoration projects for expenses in state fiscal year 2011 totaling \$260,076.41:

- Berkshire Conservation Agent Program/Berkshire Regional Planning Commission (\$95,465.87)
- Enhanced Public Access to the Housatonic River/ ESS Group & HVA (\$94,666.46)
- Old Mill Trail/ Housatonic Valley Association (\$9,944.08)
- Revitalization of West Branch of Housatonic River: Dam Removal/ MA Division of Ecological Restoration (\$60,000)

These funds are transferred and allocated in accordance with the RP/EA and contracted Scopes of Work.

The Funds should be made payable as follows:

- **\$361,935 to the EEA NRD Trust Account # 2000-6020**, Such funds shall be used for on-going reimbursement of contract costs for "State Fiscal Years 2010 and 2011" restoration. These funds will be transferred and allocated to the EEA NRD Trust Account # 2000-6020, to the attention of Bill Nichols, EEA Fiscal Director.

If you have any questions regarding this matter, please do not hesitate to contact me at 617-292-5785.

Cc: Kenneth Munney, USFWS  
Henry Woolsey, DFW/NHESP  
Karen Dolan, DFW/NHESP