

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 # 20

Release of \$100,000 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 3rd 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 *Memorandum of Agreement between the Massachusetts Division of Fisheries and Wildlife and the Massachusetts Executive Office of Energy and Environmental Affairs and the U.S. Fish and Wildlife Service Regarding the Implementation of Proposal 18: "Rare Species Recovery on the Housatonic River."*
 - \$100,000 to be transferred to the Natural Heritage Endangered Species Program (NHESP) of EEA for purposes of funding Fiscal Year 2011 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:

MASSACHUSETTS SUBCOUNCIL
of the
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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, 8th Floor
Boston, MA 02114

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FOR THE U.S. DEPARTMENT OF THE INTERIOR

8/30/10

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

EVAL L. PATRICK
Governor

IAN A. BOWLES
Secretary

TIMOTHY P. MURRAY
Lieutenant Governor

LAURIE BURT
Commissioner

MEMORANDUM

TO: Bruce Nesslage, NRDAR Manager, DOI

FROM: Karen Pelto, Lead Administrative Trustee

RE: **DOI NRDAR Disbursement Request: \$100,000**
GE/Housatonic River NRD: Massachusetts Restoration Account # 0251
Resolution #20: Release of Funds for Natural Heritage Endangered Species Program of the Executive Office of Energy & Environmental Affairs

DATE: August 13, 2010

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 a restoration project approved by the MA SubCouncil in the "Final Round 1 Restoration Plan & Supplemental Environmental Assessment" developed by the MASubCouncil for the GE/Housatonic River Trustees.

I am requesting a disbursement of funds for the restoration project, "Rare Species Recovery on the Housatonic River". For these purposes, attached is Resolution #20 Release of \$100,000 in Funds for Restoration to the Natural Heritage Endangered Species Program of the Executive Office of Energy & Environmental Affairs. These funds are transferred and allocated in accordance with the Memorandum of Agreement between the Massachusetts Division of Fisheries and Wildlife and the Massachusetts Executive Office of Energy and Environmental Affairs and the U.S. Fish and Wildlife Service Regarding the Implementation of Proposal 18: "Rare Species Recovery on the Housatonic River."

The Funds should be made payable as follows:

- **\$100,000** to be transferred to the Natural Heritage Endangered Species Program (NHESP) of EEA for purposes of funding Fiscal Year 2011 as described in the RP/SEA and the above-referenced MOA. Such transfer shall be electronic to the NHESP as detailed in a previously submitted Automated Clearing House (ACH) Payment Enrollment Form.

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

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