

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 # 26

Release of \$49,910.74 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") and administered by its Massachusetts Department of Environmental Protection (MassDEP), 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 Commonwealth 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:

- **\$49,910.74 to the MassDEP NRD Trust Account # 2200-2676**, Such funds shall be used for on-going reimbursement of contract costs for "State Fiscal Year 2012" restoration as described in the attached memorandum dated March 28, 2012. These funds will be transferred and allocated to the EEA NRD Trust Account # 2200-2676, to the attention of Kristin LaCroix, Fiscal Director.

CONCURRED IN by the following who are duly authorized:

MASSACHUSETTS SUBCOUNCIL
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for Restoration

FOR THE COMMONWEALTH OF MASSACHUSETTS

3/28/2012

Date

Karen I. Pelto

Karen I. Pelto
MA SubCouncil Trustee Representative
Department of Environmental Protection
Bureau of Waste Site Cleanup
One Winter Street, 6th Floor
Boston, MA 02114

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

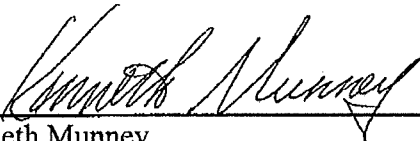
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for Restoration

FOR THE U.S. DEPARTMENT OF THE INTERIOR

3/28/12
Date



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

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DEVAL L. PATRICK
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RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

MEMORANDUM

TO: Bruce Nesslage, NRDAR Manager, DOI

FROM: Karen Pelto, Lead Administrative Trustee, MA SubCouncil of Housatonic River Trustee Council

RE: **DOI NRDAR Disbursement Request: \$49,910.74**
GE/Housatonic River NRD: Massachusetts Restoration Account # 0251
Resolution #26: Release of Funds for MA Executive Office of Energy & Environmental Affairs

DATE: March 28, 2012

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.

I am requesting a disbursement of funds to cover restoration project expenses in state fiscal year 2012 totaling \$49,910.74 for the following project:

- Housatonic River Floodplain Forest Restoration Project/Project Native

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

The Funds should be made payable as follows:

- **\$49,910.74 to the MassDEP NRD Trust Account # 2200-2676**, Such funds shall be used for on-going reimbursement of contract costs for "State Fiscal Year 2012" restoration. These funds will be transferred and allocated to the attention of Kristin LaCroix, 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