

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 # 29

*Release of \$205,279.93 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, through its MassDEP to conduct the contracting necessary for the implementation of such projects in the amount of \$4,000,000.00;
5. *Whereas*, the DOI/USFWS and EEA have approved the "Final Round 2 Restoration Plan and Supplemental Environmental Assessment (RP/SEA)", June 14, 2011, as prepared by Stantec Consulting, Inc. for the MA SubCouncil, and the MA SubCouncil has authorized the EEA, through its MassDEP, to conduct the contracting necessary for the implementation of such projects in the amount of \$1,300,000.00;
6. *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:
 - **\$205,279.93 to the MA NRD Trust Account # 2200-2676.** Such funds shall be used for on-going reimbursement of contract costs for "State Fiscal Year 2013" restoration. These funds will be

transferred and allocated to the MA NRD Trust Account # 2200-2676, to the attention of Kristin LaCroix, MassDEP Director of Budgetary and Legislative Affairs.

CONCURRED IN by the following who are duly authorized:

**MASSACHUSETTS SUBCOUNCIL
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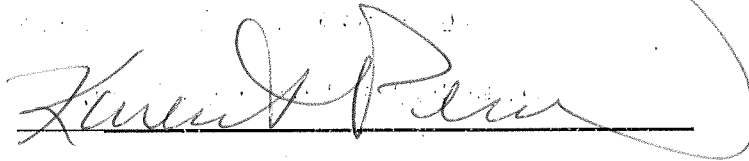
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for Restoration

FOR THE COMMONWEALTH OF MASSACHUSETTS

8/21/12

Date



A handwritten signature in cursive script, appearing to read "Karen I. Pelto", is written over a horizontal line.

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**

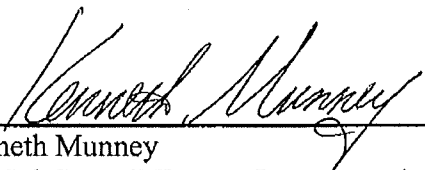
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FOR THE U.S. DEPARTMENT OF THE INTERIOR

8/21/12
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



Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

MEMORANDUM

TO: Bruce Nesslage, NRDAR Manager, DOI

FROM: Karen Pelto, Lead Administrative Trustee

RE: **DOI NRDAR Disbursement Request: \$205,279.93**
GE/Housatonic River NRD: Massachusetts Restoration Account # 0251
Resolution #29: Release of Funds to EEA/MassDEP for Restoration

DATE: August 13, 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” and “Final Round 2 Restoration Plan & Supplemental Environmental Assessment” (RP/EAs) developed by the MASubCouncil for the GE/Housatonic River Trustees.

The MA SubCouncil has authorized the Commonwealth to conduct the contracting necessary for the implementation of such projects in the amounts of \$4,000,000 (Round 1) and \$1,300,000 (Round 2). Designated by the Governor, the Secretary of the Executive Office of Energy and Environmental Affairs (EEA) is the Commonwealth's natural resources Trustee. Within EEA, the Mass Department of Environmental Protection (MassDEP) administers the NRD Program.

I am requesting a disbursement of funds to cover restoration project expenses in state fiscal year 2013 totaling \$205,279.93 for Round 1 and Round 2 project expenses, as detailed below:

In FY12, the following disbursements totaling \$731,680.93 were made to MA NRD Trust Account 2200-2676:

Round 1 (\$527,436.93):

- Kroboth Land Acquisition/Housatonic River, City of Pittsfield (\$250,000) Res. # 24

- Brownson Land Acquisition/Housatonic River, Berkshire Natural Resources Council (\$121,225) Res. # 24; (\$8,448) Res. # 27; (\$75,600) Res. # 28
- Housatonic River Floodplain Forest Restoration Project/Project Native (\$49,910.74) Res. # 26
- Berkshire Conservation Agent Program/Berkshire Regional Planning Commission (\$22,253.19) Res. # 27

Round 2 (\$204,244):

- Habitat Continuity Project, Housatonic Valley Association (\$44,113) Res. # 24
- Bartholomew's Cobble Floodplain Forest Restoration and Habitat Improvement Project, The Trustees of Reservations (\$41,910) Res. # 24
- Invasive Species Control in the Housatonic River Watershed, Native Habitat Restoration (\$118,221) Res. 24

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

In FY12, the following expenses were incurred by projects totaling \$511,872.10 and paid through MA NRD Trust Account 2200-2676:

Round 1 (\$396,363.91):

- Kroboth Land Acquisition/Housatonic River, City of Pittsfield (\$250,000) - completed
- Brownson Land Acquisition/Housatonic River, Berkshire Natural Resources Council (\$9,205); Maxymillian Technologies (\$63,559.01) – contracted through FY14
- Housatonic River Floodplain Forest Restoration Project/Project Native (\$49,906.25) - completed
- Berkshire Conservation Agent Program/Berkshire Regional Planning Commission (\$23,693.65) – completed
- West Branch of the Housatonic River Revitalization Project- Dam Removal (\$0.00)

Round 2 (\$115,508.19):

- Habitat Continuity Project, Housatonic Valley Association (\$19,220.34) - contracted through FY14
- Bartholomew's Cobble Floodplain Forest Restoration and Habitat Improvement Project, The Trustees of Reservations (\$13,181.61) – contracted through FY16
- Invasive Species Control in the Housatonic River Watershed, Native Habitat Restoration (\$83,106.24) – contracted through FY14

In FY13, the following expenses totaling \$425,088.76 are included in the contracted scopes of work for Rounds 1 and 2 projects to be paid through MA NRD Trust Account 2200-2676:

Round 1 (\$222,500):

- Brownson Land Acquisition/Housatonic River, Berkshire Natural Resources Council (\$122,500)

- West Branch of the Housatonic River Revitalization Project- Dam Removal (\$100,000)

Round 2 (\$202,588.76):

- Habitat Continuity Project, Housatonic Valley Association (\$99,898.76)
- Bartholomew's Cobble Floodplain Forest Restoration and Habitat Improvement Project, The Trustees of Reservations (\$66,500)
- Invasive Species Control in the Housatonic River Watershed, Native Habitat Restoration (\$36,190)

Based on FY12 disbursements (\$731,680.93) and FY12 actual expenses (\$511,872.10), \$219,808.83 remains unexpended from FY12 and is available to fund FY13 expenses, leaving an FY13 shortfall of \$205,279.93.

The Funds should be made payable as follows:

- **\$205,279.93 to the MA 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 MA NRD Trust Account # 2200-2676, to the attention of Kristin LaCroix, MassDEP Director of Budgetary and Legislative Affairs.

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

Cc: Kenneth Munney, USFWS