

**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 # 31**

*Release of \$37,589 to Massachusetts Department of Environmental Protection  
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”), as administered by its 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 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 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;
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 MassDEP for implementation of Round 2 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:

- **\$37,589 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 as described in the attached memorandum dated October 3, 2012. 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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Release of \$37,589  
to Massachusetts Department of Environmental Protection for Restoration

FOR THE COMMONWEALTH OF MASSACHUSETTS

10/4/12

Date



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

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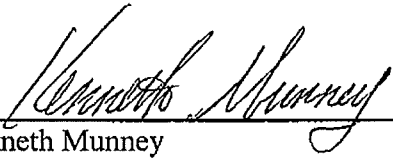
**RESOLUTION #31**

Release of \$37,589  
to Massachusetts Department of Environmental Protection for Restoration

FOR THE U.S. DEPARTMENT OF THE INTERIOR

Date

10/03/12

  
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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: \$37,589**  
**GE/Housatonic River NRD: Massachusetts Restoration Account # 0251**  
*Resolution #31: Release of Funds to EEA/MassDEP for Restoration*

DATE: October 3, 2012

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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 a restoration project approved by the MA SubCouncil in the "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 amount of \$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 for the following restoration projects for expense in state fiscal year 2013 totaling \$37,589:

Round 2:

- Sackett Brook Restoration Project, Massachusetts Audubon Society (Year 1)

During the MA SubCouncil's restoration planning deliberations, the dam removal component of the Sackett Brook Restoration Project was required by MassDEP as a mitigation project for wetlands impacts associated with an unrelated development project within the City of Pittsfield, MA. In the Final RP/EA, the MA SubCouncil approved the total amount of funding for all preferred restoration projects, including Sackett Brook, but stated the following: "The Sackett Brook Restoration Project will be withdrawn from consideration for Round 2 NRD Restoration funding if it is alternatively accepted as a mitigation project." Recently, the City and, MassAudubon, the dam owner, signed a Memorandum of Agreement governing the dam removal. Planning and permitting activities have begun and the dam removal is scheduled for late summer or early fall 2013. Neither the permitted

mitigation nor the agreement provides for the educational components, as originally proposed by MassAudubon, as part of the Sackett Brook Restoration Project. These components include classroom and field-based exploration of the impact of the dam on the river and the recovery of the river following the dam's removal. MassAudubon has an excellent working relationship with schools in Pittsfield, and throughout the watershed, based on their previous Round 1 project, the Housatonic Environmental Literacy Project (HELP) for the River. The MA SubCouncil has decided to provide funding for the educational component of the restoration project and will work with MassAudubon to ensure that the timing of both projects is coordinated to achieve the maximum benefits.

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

The Funds should be made payable as follows:

- **\$37,589 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.

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

Cc: Kenneth Munney, USFWS