

**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 # 41**

Release of \$861,000 to Massachusetts Department of Environmental Protection from the U.S.  
DOI Account #0251 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 Energy and Environmental Protection (“CTDEEP”), 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 Massachusetts 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;
4. *Whereas*, the MA SubCouncil has approved the “Final Round 3 Restoration Plan and Supplemental Environmental Assessment (RP/SEA)”, May 7, 2013 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 \$2,000,000;
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 3 Restoration Projects as approved by the MA SubCouncil. Funds are to be used to support the restoration implementation activities as described in the attached memorandum. These funds shall be transferred and/or allocated as follows at this time:

- **\$861,000 to the MA NRD Trust Account # 2200-2676.** These funds will be transferred from the **DOI NRDAR Account #0251** 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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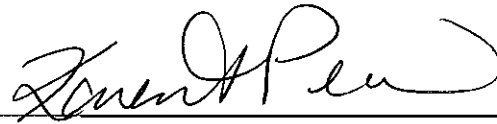
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FOR THE COMMONWEALTH OF MASSACHUSETTS

10/7/15

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 02108

**MASSACHUSETTS SUBCOUNCIL  
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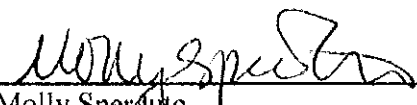
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**RESOLUTION # 41**

Release of \$861,000 to Massachusetts Department of Environmental Protection from the U.S.  
DOI Account #0251 for Restoration

FOR THE U.S. DEPARTMENT OF THE INTERIOR

10/7/2015  
Date

  
Molly Sperduto  
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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Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

### MEMORANDUM

TO: Bruce Nesslage, NRDAR Manager, U.S. DOI

FROM: Karen Pelto, Lead Administrative Trustee

RE: **DOI NRDAR Disbursement Request: \$861,000**  
**GE/Housatonic River NRD: Massachusetts Restoration Account # 0251**  
*Resolution #41: Release of Funds to EEA/MassDEP for Restoration*

DATE: October 6, 2015

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As Lead Administrative Trustee for the MA SubCouncil of the Housatonic River Trustee Council, I am requesting a disbursement from the DOI NRDAR Housatonic River Massachusetts Restoration Account (Project # 0251) for the purpose of funding restoration projects approved in the "Final Round 3 Restoration Plan & Supplemental Environmental Assessment" (RP/SEA) developed by the MA SubCouncil.

The MA SubCouncil has authorized the Commonwealth to conduct the contracting necessary for the implementation of such projects in the amounts of \$2,000,000. 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.

In May 2013, following public review and comment, the MA SubCouncil released a Final Round 3 Restoration Plan and Supplemental Environmental Assessment (Final Round 3 RP/SEA) that identified land acquisition to conserve habitats as Round 3 of the Housatonic River Watershed Restoration Program (Restoration Program). A total of \$2,000,000 is available for land acquisition projects to conserve habitats in the Massachusetts portion of the Housatonic River watershed as part of Round 3 of the Restoration Program.

The Round 3 for Land Protection consisted of two proposal preparation phases. Phase 1 included proposal submittal, evaluation, and selection for advancement to Phase 2. In Phase 2, grant agreements were executed by MassDEP for applicants of proposals selected in Phase 1 and

applicants had 6 months to conduct and submit additional due diligence prior to the MA SubCouncil's final review and selection of projects for funding. If, after review of the appraisals and other due diligence, parcels were determined to be feasible to acquire and proposals were selected for funding by the MA SubCouncil, the existing agreement would be amended by the Commonwealth to provide the approved project with funding for the purchase of the parcel and/or acquisition of necessary mechanism of parcel protection (e.g., Conservation Restrictions, Conservation Easements, Article 97, Fee Protection).

On March 28, 2014, MassDEP released a Grant Announcement and Application (GAA), BWSC-NRD-2014-02, "Housatonic River Natural Resource Damages Fund Round 3 Restoration Project Proposals for Land Acquisition to Conserve Habitat." Four (4) parcels were proposed by three (3) applicants by the September 30, 2014 due date. Three (3) parcels proposed by two (2) applicants were selected to proceed to Phase II. Phase II due diligence materials were received by the June 30, 2015 due date. The MA SubCouncil has completed review of due diligence materials for one (1) parcel proposed by the Berkshire Natural Resources Council (BNRC) and finds that it is feasible to acquire:

- Thomas and Palmer Brook Conservation Project, Great Barrington (218+/- acres along 1,400 linear feet of a tributary of the Housatonic River with emergent marsh, meadow, early successional, and forested habitat within core and supporting habitat for rare species) for a cost of \$860,000, plus \$,1000 for a baseline report, for a total cost of \$861,000.

The MA SubCouncil supports the transfer of funds for the Thomas and Palmer Brook Conservation Project, as authorized in Resolution 41 (attached). F Funds should be made payable as follows:

- **\$861,000 to the MA NRD Trust Account # 2200-2676.** Such funds shall be used for an award for acquisition of the parcel described above. 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: Molly Sperduto, USFWS