

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 # 47

*Release of \$419,750 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;
4. *Whereas*, the MA SubCouncil has approved the “Final Amendment to the Round 3 Restoration Plan and Supplemental Environmental Assessment (RP/SEA)”, November 15, 2016 as prepared by Stantec Consulting, Inc. for the MA SubCouncil, and the MA SubCouncil has provided an additional \$500,000 for the implementation of such projects;

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 Phase II acquisition activities associated with 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. Specifically, these funds will be used by the Massachusetts Audubon Society to purchase four parcels of land, consisting of 118.66 acres in Sheffield, Massachusetts. These funds shall be transferred and/or allocated as follows at this time:

- **\$419,750 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:

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FOR THE COMMONWEALTH OF MASSACHUSETTS

10/25/17

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 02108

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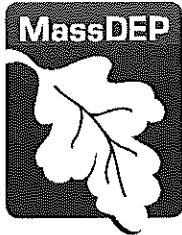
FOR THE U.S. DEPARTMENT OF THE INTERIOR

Date

10/25/17


Molly Sperry

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

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: \$419,750**
GE/Housatonic River NRD: Massachusetts Restoration Account # 0251
Resolution #47: Release of Funds to EEA/MassDEP for Restoration

DATE: October 19, 2017

As Lead Administrative Trustee for the MA SubCouncil of the Housatonic River Trustee Council, I am requesting a disbursement from the DOI NRDAR 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) and the Amendment to the Final Round 3 RP/SEA.

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. A total of \$2,000,000 was made 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. In November 2016, following public review and comment, the MA SubCouncil released a Final Amendment to the Round 3 RP/SEA that made an additional \$500,000 available for the same purpose.

The MA SubCouncil has authorized the Commonwealth to conduct the contracting necessary for the implementation of such projects in the amount of \$2,500,000. 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.

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.

On October 7, 2015, MassDEP released a Grant Announcement and Application (GAA), BWSC-NRD-2015-03, "Housatonic River Natural Resource Damages Fund Second Subround of Round 3 Restoration Project Proposals for Land Acquisition to Conserve Habitat." Nine (9) parcels were proposed by four (4) applicants by the April 6, 2016 due date. Eight (8) parcels totaling 398 acres proposed by three (3) applicants were selected to proceed to completing Phase II due diligence activities. The MA SubCouncil has completed review of due diligence materials for four (4) parcels proposed by the Massachusetts Audubon Society and finds that they are feasible to acquire:

- Lime Kiln Farm Wildlife Sanctuary, Sheffield (4 parcels, consisting of 118.66 acres of wetland, forested wetland, and upland buffer habitat within core and supporting habitat for rare species for a cost of \$423,500, plus \$3,000 for legal services, minus \$6,750 remaining from the transfer of funds to MassDEP for due diligence via Resolution 44 for a total cost of \$419,750).

The MA SubCouncil supports the transfer of funds for the Lime Kiln Wildlife Sanctuary, as authorized in Resolution 47 (attached). Funds should be transferred as follows:

- **\$419,750 to the MA NRD Trust Account # 2200-2676.** Such funds shall be used for an award for acquisition of the parcels 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