

**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 # 48**

Release of \$375,000 to Massachusetts Department of Fish and Game 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 MA Department of Fish and Game (DFG), Division of Ecological Restoration (DER) Trust Account #2300-6007 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 DFG to purchase one parcel of land, consisting of 59 acres in Egremont, Massachusetts and remove structures currently present onsite. These funds shall be transferred and/or allocated as follows at this time:

- **\$375,000 to the MA DER Trust Account # 2300-6007 for acquisition and improvement of the Silkey Parcel.**

CONCURRED IN by the following who are duly authorized:

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FOR THE COMMONWEALTH OF MASSACHUSETTS

10/1/17

Date

Karen I. Pelto

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

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#0251 for Restoration

FOR THE U.S. DEPARTMENT OF THE INTERIOR

Date

11/1/17

  
Molly Spurduto

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: \$375,000**  
**GE/Housatonic River NRD: Massachusetts Restoration Account # 0251**  
*Resolution #48: Release of Funds to EEA/MassDFG for Restoration*

DATE: November 1, 2017

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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 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 one parcel proposed by the Massachusetts Department of Fish and Game and finds that it is feasible to acquire:

- Jug End Fen Conservation Area, Silkey Parcel, Egremont, consisting of 59 acres of forested wetland, shrub, and calcareous fen within core and aquatic buffer habitat for rare species and coldwater fisheries for a cost of \$350,000 for acquisition and \$25,000 for demolition and removal of buildings on the site.

The MA SubCouncil supports the transfer of funds for the Jug End Fen Conservation Area, Silkey Parcel, as authorized in Resolution 48 (attached). Funds should be transferred as follows:

- **\$375,000 to the MA DER Trust Account # 2300-6007.** Such funds shall be used for an award for acquisition and improvement of the parcel described above.

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

Cc: Molly Sperduto, USFWS