

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 # 56

*Release of Funds in the amount of \$32,300 to Massachusetts Division of Ecological Restoration
from the U.S. DOI NRDAR Fund*

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) and Resolution #4 to the MOA, a Trustee SubCouncil for the Geographic Region of Massachusetts (“MA SubCouncil”) has been established, consisting 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 MA SubCouncil has approved the “Final Round 1 Restoration Plan and Supplemental Environmental Assessment” dated September 10, 2007 that included Restoration Project 07: West Branch of Housatonic River Revitalization – Dam Removal Component; and
5. *Whereas*, through Resolutions 1, 52, and 55, the MA SubCouncil has approved and transferred a total of \$870,000 to support field data collection, design, permitting and construction for Restoration Project 07 West Branch of Housatonic River Revitalization – Dam Removal Component (Tel-Electric/Mill Street dam removal); and
6. *Whereas*, the lowest construction bid totaled \$2,538,000 without contingency and the total project cost is \$2,914,000 including engineering oversight, Licensed Site Professional oversight (impounded sediments), and historical oversight (upstream bridges); and
7. *Whereas*, the amount provided by the MA SubCouncil, National Fish and Wildlife Foundation (Hurricane Sandy), Massachusetts Dam and Seawall grant, Massachusetts Division of Ecological Restoration (MA DER), MassDEP and the dam owner totaled \$2,881,700, leaving a shortfall of \$32,300; and

8. *Whereas*, on June 27, 2019 the MA SubCouncil requested that the U.S. Department of the Interior (DOI) Office of Restoration and Damage Assessment (ORDA) provide restoration funds from unobligated balances in the NRDAR Fund; and

9. *Whereas*, DOI ORDA notified the MA SubCouncil on July 12, 2019 that it would provide funding in the amount of \$32,300 and the MA SubCouncil accepted; and

10. *NOW, THEREFORE, BE IT RESOLVED*, that, after a thorough review of the proposed uses for such sums, the MA SubCouncil authorizes the DOI ORDA to release funds from the DOI NRDAR Fund to the MA DER in the amount of \$32,300 for implementation of the Round 1 Project 07: West Branch of the Housatonic River Revitalization – Dam Removal Component. These funds shall be transferred and/or allocated as follows at this time:

- **\$32,300** to the MA DER Trust Account #2300-6007.

CONCURRED IN by the following who are duly authorized:

**MASSACHUSETTS SUBCOUNCIL
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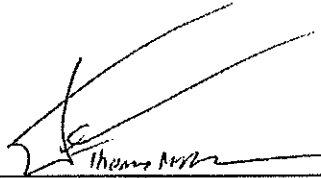
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Restoration from the U.S. DOI NRDAR Fund

FOR THE COMMONWEALTH OF MASSACHUSETTS

07-15-19

Date



Thomas M. Potter

Thomas M. Potter
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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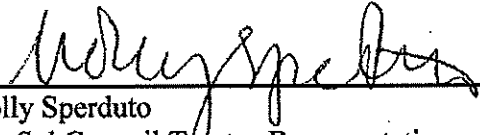
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FOR THE U.S. DEPARTMENT OF THE INTERIOR

Date

7/15/19


Molly Sperduto
MA SubCouncil Trustee Representative
U.S. Fish and Wildlife Service
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301




United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

MEMORANDUM

JUL 12 2019

To: **Restoration Program Executive Board**
Johnna Blackhair, Bureau of Indian Affairs
Leah Baker, Bureau of Land Management
David Raff, Bureau of Reclamation
Gary Frazer, Fish and Wildlife Service
Guy Adema, National Park Service
Michaela Noble, Office of Environmental Policy and Compliance
Peg Romanik, Office of the Solicitor

From:  Steve Glomb, Director - Office of Restoration and Damage Assessment

Subject: Tel-Electric Dam Removal Project, Pittsfield, MA

From 2014 through 2017, the Restoration Catalyst Funding (RCF) process was implemented to use unobligated balances to provide limited funding for restoration activities for which settlement money is not immediately available or is insufficient to cover the proposed costs of a project. The RCF process was not implemented in 2018 due to the lack of projects.

On June 27, 2019, the Office of Restoration and Damage Assessment (ORDA) received a request for restoration funds from the Commonwealth of Massachusetts Natural Resource Damage Assessment Coordinator. The purpose of the funds is to be used to make up a shortfall in existing funding sources that will be used to remove the Tel-Electric Dam on the Housatonic River in Pittsfield, MA. The estimated cost of the project is \$2,914,000 (not including 10% construction contingency). Of this total, \$716,700 will be provided from the Housatonic River NRDAR settlement approved by the Housatonic River – MA Trustee Council. However, even with several funding sources, the project has a current shortfall of \$32,300 necessary to sign the construction contracts and begin removal of the dam this year.

After discussions with the Commonwealth and the U.S Fish and Wildlife Service's Authorized Official, we have decided to provide \$32,300 to make up for the shortfall in funding. We feel that this request meets the original criteria and the intent of the RCF in that the project will use a variety of partnership funds (a National Fish and Wildlife Foundation Hurricane Sandy Grant; MA State Funds, NRDAR Restoration Funds, and from the dam owner) or in-kind services along with the RCF monies; the completion of the dam removal will result in increased fish passage; increased recreation (e.g., canoeing), and provide information that can be used on other NRDAR cases; and will move money out of the NRDAR Fund.

If you have any questions on this request for funds, you or your staff may call me on 202-208-4863, or Mark Huston, Deputy Director for Restoration on 202-208-6528.

cc: Mike Freeman, DAS-PEM
Steven Farrell, POB
NRDAR Work Group