

**MASSACHUSETTS SUBCOUNCIL
of the
HOUSATONIC RIVER TRUSTEE COUNCIL**

RESOLUTION # 5

*EOEA TRANSFER OF FUNDS
for*

OVERSIGHT OF TRUSTEE-RELATED WORK REQUIRED UNDER THE CONSENT DECREE

United States, et al., v. General Electric Company,

CIVIL ACTION NOS. 99-30225-MAP; 99-30226-MAP; AND 99-30227-MAP (D. MASS.)

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 Environmental Affairs (“EOEA”), 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 (the "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 MA SubCouncil has been established, consisting of two voting members from the Mass. Trustee and the Federal Trustee agencies, EOEA and USFWS, and non-voting Ex Officio Delegates;
3. Whereas, the MA SubCouncil has agreed to fund a Restoration Coordinator contract that the USFWS manages on behalf of the MA SubCouncil for the purposes of 1) developing and implementing a Restoration Plan for the recovery allocated to the geographic area of Massachusetts and 2) oversight of Trustee-related work required under the Consent Decree (“CD”) per Section V of the MOA;
4. Whereas, the oversight expenses associated with Trustee-related work required under the CD may be funded out of Oversight Costs recovered by individual Trustees; and sums recovered by EOEA for such oversight are held in a Natural Resource Damages Trust Account #2000-6020 administered by EOEA;
5. Whereas, the NOAA, EOEA, and USFWS agreed to equally distribute among the Trustee agencies the cost of oversight of Trustee-related work required under the CD, and the EOEA contribution necessary to achieve such equal distribution of costs through the end of the Restoration Coordinator contract Task Order #1 is \$76,403;

6. NOW, THEREFORE IT IS HEREBY RESOLVED:

After a thorough review of the proposed uses for such sums, the MA SubCouncil resolves that EOEA will provide DOI with pass-through funding for the Oversight of Trustee-related Work Required Under the CD in the amount of \$76,403 to be applied to the Restoration Coordinator contract. Thereafter, USFWS and EOEA will periodically allocate and /or transfer funds to continue the work as so described; such future allocation and transfer of funds shall be made pursuant to written concurrence by the MA SubCouncil in subsequent resolutions.

The sum of \$76,403 shall be transferred from the NRD Trust account # 2000-6020 to the DOI NRDAR Account #0251 (Housatonic River - MA Restoration). These funds are to be used to support activities

described in Tasks G, H, and I, regarding the oversight of Removal-Associated Restoration Work projects as referred to in “Task Order #1, Contract/delivery Order No. 50181-4-X082, for the General Electric/Housatonic River Natural Resource Restoration, Restoration Planning Assistance to the Massachusetts SubCouncil,” attached hereto. If any portion of the \$76,403 remains unexpended after the completion of Task Order #1, the remainder will be used according to direction from EOEА, and could be transferred back to EOEА or held by USFWS for application to future relevant contracts. By virtue of this

resolution, DOI agrees that no portion of the funds being transferred by EOEА as pass-through funds shall be directed by DOI or USFWS for any indirect/overhead costs or pass-through administration costs associated with making these funds available to the contract being managed by USFWS.

By their signatures below, the Trustee Representatives of the MA SubCouncil hereby certify that this Resolution was adopted with the unanimous decision-making procedures agreed to by the Trustees in the MOA. CONCURRED IN by the following who are duly authorized MA SubCouncil Trustee Representatives.

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FOR THE COMMONWEALTH OF MASSACHUSETTS

11/15/2004

Date

Dale C. Young

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FOR THE U.S. DEPARTMENT OF THE INTERIOR

11/18/04

Date

Veronica W. Varela

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