

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

**RESOLUTION # 6**  
*TRANSFER OF FUNDS*  
*for*  
*DOI Restoration Planning Activities*

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 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) Account administered by the DOI ;
4. NOW, THEREFORE IT IS HEREBY RESOLVED:  
After a thorough review of the proposed uses for such sums, the MA SubCouncil has resolved by unanimous consent to transfer a total of \$69,260.46 from the DOI NRDAR Account # 0251 (Housatonic River - MA Restoration). These funds will be transferred as follows in accordance with the detailed breakdown in the attached Appendix A:
  - (a) To support the Service's restoration planning activities associated with the Trustee SubCouncil for Massachusetts during fiscal year 2006 in the amount of:
    - a. \$24,346.03 for the New England Field Office Acct # NEFO 9821-0251-53410;
    - b. \$10,987.48 for Service Washington Office, Service Regional Office, and DOI indirect costs;
  - (b) To reimburse the Service's oversight account which has funded all of the Service's restoration planning activities associated the Massachusetts SubCouncil to date (as of August 8, 2005) in the amount of:
    - a. \$26,024.43 for the New England Field Office Acct # NEFO 9822-0079-53410;
    - b. \$ 7,902.52 for Service Washington Office, Service Regional Office, and DOI indirect costs.

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.

**APPENDIX A**  
**Resolution # 6**

**GE/Housatonic River NRDAR – Trustee SubCouncil for Massachusetts  
Request for Release of Restoration Planning Funds**

The U.S. Fish and Wildlife Service (“Service”) requests the release of \$69,260.46 from one of the accounts associated with the GE/Housatonic River natural resource damage assessment and restoration (“NRDAR”) case.

To support the Service’s restoration planning activities associated with the Trustee SubCouncil for Massachusetts, we request the release of \$69,260.46 from the restoration funds allocated to the geographic region of Massachusetts (DOI NRDAR account # 0251 - “Housatonic River – MA Restoration”). These funds will be used to (a) support the Service’s restoration planning activities associated with the Trustee SubCouncil for Massachusetts during fiscal year 2006 and (b) reimburse the Service’s oversight account which has funded all of the Service’s restoration planning activities associated the Massachusetts SubCouncil to date (as of August 8, 2005). The oversight account was established by the case’s Consent Decree to support the Service’s future oversight of the remedy-associated restoration work specifically identified in the Consent Decree. The Service used the oversight account to fund restoration planning work primarily because the oversight account was readily available. Access to the oversight account only requires a request for release from the Service, while the restoration planning funds are joint accounts controlled by unanimous decision of the Trustee SubCouncils. Recent budgetary constrictions incurred by the Service necessitates that we now request formal restoration planning funds.

Proposed Use of Requested Funds:

- **Projected Fiscal Year 2006 Restoration Planning Costs**  
The New England Field Office (“NEFO”) requests \$15,323.51 from DOI NRDAR account # 0251 to support its participation during fiscal year 2006 in the restoration planning activities of the GE/Housatonic River NRDAR case’s Trustee SubCouncil for Massachusetts. Such activities will predominantly include (with anticipated completion dates):
  - (a) soliciting restoration project ideas and proposals via a public solicitation process (September 2005 – December 2005);
  - (b) issuing a draft Programmatic Environmental Assessment (“PEA”) for public comment, responding to comments, and issuing final PEA (September 2005 – December 2005);
  - (c) evaluating restoration project ideas and proposals (December 2005 – March 2006);
  - (d) issuing a draft Restoration Plan (“RP”) for public comment, responding to comments, and issuing a final RP (April 2006 – July 2006);
  - (e) beginning to implement restoration projects (August 2006); and
  - (f) conducting several public meetings associated with the abovementioned activities.

The NEFO also requests \$20,010.00 from DOI NRDAR account # 0251 to cover the following indirect costs associated with NEFO's restoration planning activities:

NEFO	\$9,022.52
Service Washington Office	\$5,356.13
Service Regional Office	\$2,337.22
<u>Department of the Interior</u>	<u>\$3,294.13</u>
Total	\$20,010.00

- Reimbursement of Oversight Account for Restoration Planning Costs

The NEFO requests \$16,795.32 from DOI NRDAR account # 0251 as a reimbursement to the NEFO's oversight funding account (# 9822-0079-53410), which has funded all of the Service's past MA SubCouncil restoration planning activities to date (as of August 8, 2005) but was established by the case's Consent Decree to support the Service's participation in overseeing the remedy-related restoration work specifically identified in the Consent Decree.

The NEFO also requests \$17,131.63 from DOI NRDAR account # 0251 to cover the following indirect costs associated with the restoration planning reimbursement:

NEFO	\$9,229.11
Service Washington Office	\$3,387.42
Service Regional Office	\$1,686.77
<u>Department of the Interior</u>	<u>\$2,828.33</u>
Total	\$17,131.63

Request and Disbursement Summary Table for consolidated directions on funds transfers:

From DOI NRDAR Fund Acct # 0251		Purpose
Amount	Released to Acct #	
\$24,346.03	NEFO 9821-0251-53410	Restoration planning
\$5,356.13	TBA	Service Washington Office indirects
\$2,337.22	TBA	Service Regional Office indirects
\$3,294.13	TBA	Department of the Interior indirects
\$26,024.43	NEFO 9822-0079-53410	Reimburse the NEFO's Oversight Acct; Fund oversight activities
\$3,387.42	TBA	Service Washington Office indirects
\$1,686.77	TBA	Service Regional Office indirects
\$2,828.33	TBA	Department of the Interior indirects
\$69,260.46	Total	

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FOR THE COMMONWEALTH OF MASSACHUSETTS

8/31/05

Date

Dale C. Young

Dale Young, NRD Program Director  
Executive Office of Environmental Affairs  
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100 Cambridge Street  
Boston, MA 02114

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FOR THE U.S. DEPARTMENT OF THE INTERIOR

8/30/05

Date

Veronica W. Varela

Veronica Varela, NRDAR Specialist  
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**MEMORANDUM**

**TO:** Bruce Nessler, NRDAR Manager, DOI

**FROM:** Dale Young, Lead Administrative Trustee *DY*

**RE:** **DOI NRDAR Disbursement Request**  
**GE/Housatonic River NRD: Massachusetts Restoration Account:**  
*Resolution #6: Transfer of Funds for DOI Restoration Planning Activities*

**DATE:** September 2, 2005

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As the Lead Administrative Trustee for the GE/Housatonic River NRD case, I request that \$69,260.46 be released from the Massachusetts Restoration Account (Project # 0251). The monies will be used for the sole purpose of funding certain tasks as described in the attached:

- MA SubCouncil Resolution #6, "*Transfer of Funds for DOI Restoration Planning Activities*" and attached Appendix A.

If you have any questions in regards to this matter, please do not hesitate to contact me at (617) 626-1134.

Cc: Veronica Varela, USFWS  
Tim Gray, HRR  
Rachel Fletcher, HRI  
Dale Aubin, USFWS, Northeast Region

