



**Resolution No. 10**  
**Fernald Preserve Natural Resource Trustees**

Re: Contract between Ohio EPA and Three Valley Conservation Trust to assist Ohio EPA (on behalf of the Fernald NRD Trustees) with implementing the plan for identifying, acquiring and/or preserving restoration properties selected by the Trustees, and natural resource restoration projects selected by the Trustees.

WHEREAS, the Fernald Preserve Trustee Council was established pursuant to the July 2001 Memorandum of Understanding entered into by the Ohio Environmental Protection Agency ("Ohio EPA"), the United States Department of Energy ("DOE"), and the United States Department of the Interior ("DOI") (collectively, the "Trustees");

WHEREAS, the Natural Resource Damage Consent Decree for the Fernald Preserve, dated November 11, 2008, required DOE to deposit \$13,750,000 into an interest-bearing escrow account in the Registry of the United States District Court for the Southern District of Ohio ("Escrow Account"), and on February 17, 2009, the United States on behalf of DOE deposited \$13,750,000 into the Escrow Account;

WHEREAS, on August 23, 2010, the United States District Court for the Southern District of Ohio ordered the transfer of \$13,781,225.18 from the Escrow Account to the Treasurer, State of Ohio, to be deposited into the Natural Resource Damages Fund, for the Fernald Preserve;

WHEREAS, the Consent Decree, Paragraph 4.6, provides that any transferred funds shall be applied toward the costs of restoration, replacement, or acquisition of the equivalent of injured Natural Resources at and in the vicinity of the Fernald Preserve, as set forth in the Natural Resource Restoration Plan ("NRRP");

WHEREAS, the Consent Decree, Paragraph 4.7, provides that the Trustees shall expend the funds to implement the plan developed pursuant to Section 1.5 of the NRRP;

WHEREAS, on June 17, 2009, the Trustees published a draft Natural Resource Funds Use Plan (“draft NRFUP”) for the Fernald site and accepted comments on the draft NRFUP until August 8, 2009. The Trustees also convened a public availability session on July 8, 2009 at the Fernald site to discuss the draft NRFUP and accept comments and suggestions from the public. On February 23, 2010, the Trustees issued the final Natural Resource Funds Use Plan (“NRFUP”);

WHEREAS, on December 6, 2010 and April 13, 2011, the Trustees and Three Valley Conservation Trust held public meetings at the Fernald Preserve to discuss implementation of the Paddys Run Conservation Project, these meetings were well attended by landowners interested in conservation easements, and there have been follow up discussions with many of these landowners;

WHEREAS, on March 16, 2011, the Trustees approved Trustee Resolution #9 establishing eligibility criteria for land protection for conservation easement funding for the Paddys Run Conservation Project, and the Trustees have scheduled an application period for landowners to request easement funding of August 8 to August 26, 2011; and

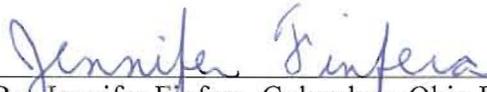
WHEREAS, the Trustee Council, by unanimous consent, agrees that Ohio EPA should enter into a contract (draft attached, not to exceed \$315,500.00) with the Three Valley Conservation Trust to achieve the goals described herein.

NOW THEREFORE BE IT RESOLVED that the Trustee Council agrees, by unanimous consent, that Ohio EPA should enter into the contract (draft attached) with the Three Valley Conservation Trust to assist the Agency (on behalf of the Trustees) with planning and implementing Trustee Resolution #9 and the NRFUP consistent with the NRRP, the identification, acquisition and/or preservation of restoration properties approved by the Trustees, and/or the implementation of natural resource restoration projects selected by the Trustees.

**Resolution No. 10**  
**Fernald Preserve Natural Resource Trustees**

DATED this 11th day of July, 2011.

United States Department of the Interior  
U. S. Fish and Wildlife Service

  
By: Jennifer Finfera, Columbus, Ohio Field Office

**Resolution No. 10**  
**Fernald Preserve Natural Resource Trustees**

DATED this 20th day of June, 2011.

Ohio Environmental Protection Agency

A handwritten signature in black ink, appearing to read "Thomas A. Schneider", is written over a solid horizontal line.

By: Thomas A Schneider, Fernald Project Manager

**Resolution No. 10**  
**Fernald Preserve Natural Resource Trustees**

DATED this 20th day of June, 2011.

United States Department of Energy

**THOMAS PAULING**

Digitally signed by THOMAS PAULING  
DN: c=US, o=U.S. Government, ou=Department of  
Energy, cn=THOMAS PAULING,  
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By: Thomas Pauling, Director of Site Operations, Office of Legacy Management