



Resolution No. 25
Fernald Preserve Natural Resource Trustees

Re: Approval of offer for fee simple purchase of Holcomb and Probst properties by Three Valley Conservation Trust.

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 19, 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 Preserve 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"); and

WHEREAS, on October 13, 2010, the Trustees approved Trustee Resolution #7 authorizing Ohio EPA to enter into a contract with Three Valley Conservation Trust to identify, acquire and/or preserve restoration pilot project properties approved by the Trustees within the Paddys Run Conservation Project.

WHEREAS, the Trustees approved Trustee Resolutions #16 (April 2012), 19 (July 2012), 21 (September 2012) and 23 (May 2013) confirming that Ohio EPA should enter into a grant agreement with Three Valley Conservation Trust to acquire easements on approved properties.

WHEREAS, the Trustees approved Trustee Resolutions #20 (July 2012) and 24 (June 2013) confirming that Ohio EPA should authorize Three Valley Conservation Trust to conduct appraisals of certain properties, including those properties identified herein.

WHEREAS, the Trustee Council, by unanimous consent, agrees that Ohio EPA and its contractor Three Valley Conservation Trust may expand the agreement approved in Resolution #16 and may offer and execute fee simple purchases of the following properties in amounts up to but not exceeding the following amounts: John Holcomb et al \$268,000 (44.67 acres), and Kamryn & Morgan Probst \$553,250 (125 acres) and may expend up to \$100,000 in property restoration or maintenance costs (Phase 1 assessments, structure removal, property taxes, insurance, etc.) prior to transfer of the property from Three Valley Conservation Trust to an acceptable entity (such as a park district or charitable organization)

NOW THEREFORE BE IT RESOLVED that the Trustee Council agrees, by unanimous consent, that Ohio EPA and its contractor Three Valley Conservation Trust expand the agreement approved in Resolution #16 and may offer and execute fee simple purchases of the following properties in amounts up to but not exceeding the following amounts: John Holcomb et al \$268,000 (44.67 acres), and Kamryn & Morgan Probst \$553,250 (125 acres) and may expend up to \$100,000 in property restoration or maintenance costs (Phase 1 assessments, structure removal, property taxes, insurance, etc.) prior to transfer of the property from Three Valley Conservation Trust to an acceptable entity (such as a park district or charitable organization).

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DATED this 27 day of June, 2013.

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


By: Jennifer Finfera, Columbus, Ohio Field Office

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DATED this 26th day of June, 2013.

Ohio Environmental Protection Agency



By: Thomas A Schneider, Fernald Project Manager

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DATED this ____ day of June, 2013.

United States Department of Energy

By: Jane Powell, Site Manager,
Fernald Preserve, Office of Legacy Management