

Resolution No. 18
Fernald Preserve Natural Resource Trustees

RE: Approval to proceed with utilizing remaining funds from the on property habitat restoration approved in Resolution #14 for additional habitat restoration at Fernald Preserve.

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"); and

WHEREAS, on July 25, 2011 the Trustees approved Resolution #13 to implement restoration work defined in the Paddys Run Tributary Conceptual Design and Triangle Area' Ecological Restoration Conceptual Design Narrative at an estimated cost of \$283,000.

Whereas, the baseline estimate for the "Paddys Run Tributary Conceptual Design" was \$204,278 and construction was completed on June 4, 2012, at an approximate cost of \$150,000, resulting in an estimated savings of \$54,000.

Whereas, the baseline estimate for the "Fernald Preserve 'Triangle Area' Ecological Restoration Conceptual Design Narrative" was \$10,723 and construction was completed on May 22, 2012, at an approximate cost of \$4,000, resulting in an estimated savings of \$6,000.

Whereas, approximately \$60,000 is available for additional ecological restoration projects at the Fernald Preserve.

NOW THEREFORE BE IT RESOLVED, that the Trustee Council agrees, by unanimous consent, for DOE to expend the remaining dollars to enhance the former "Silos Area" pursuant to the attached drawing.

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DATED this 25th day of July, 2012.

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 25th day of July, 2012.

Ohio Environmental Protection Agency

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

By: Thomas A Schneider, Fernald Project Manager

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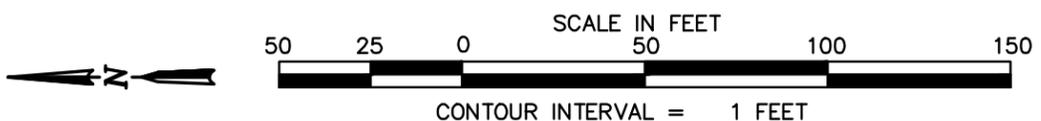
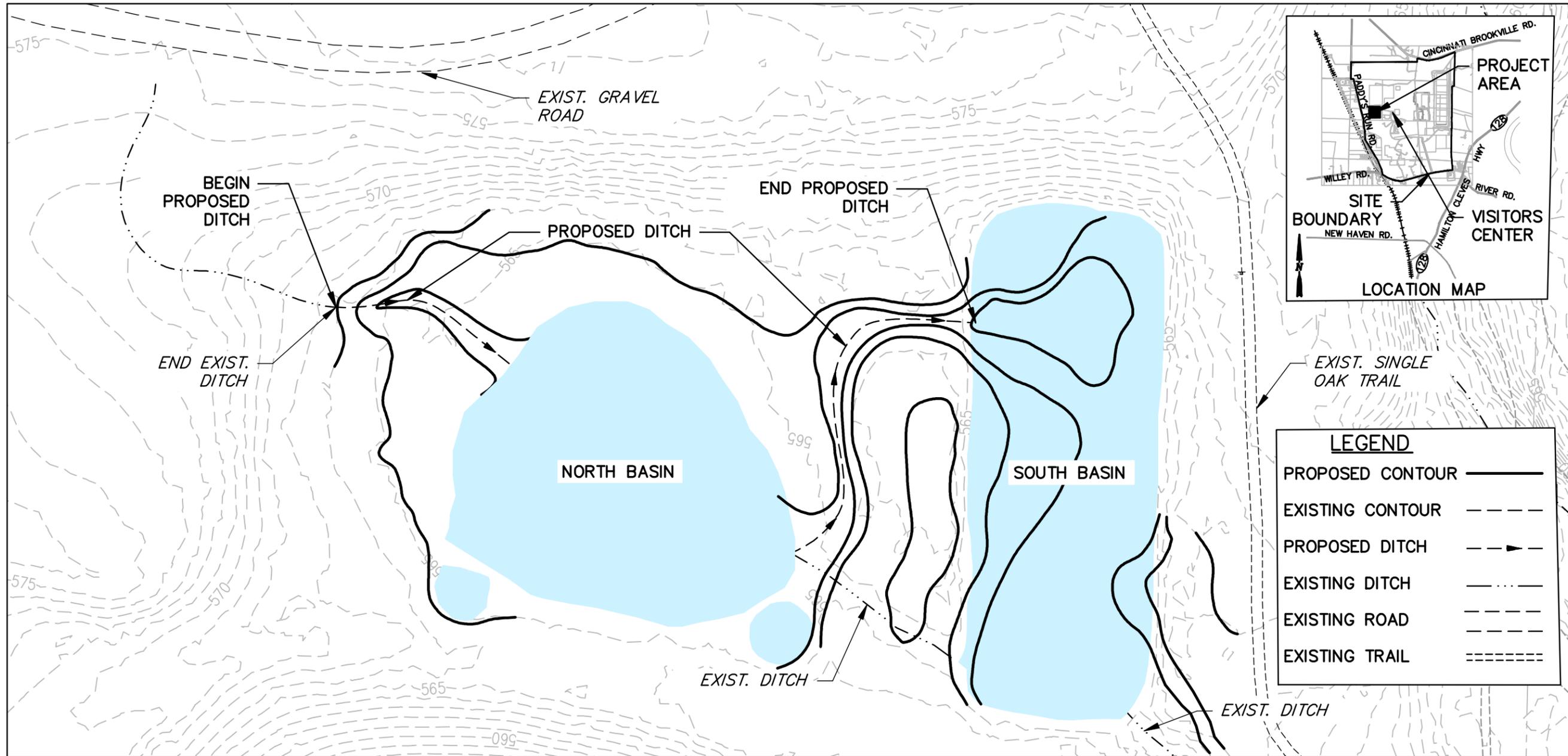
DATED this 25th day of July, 2012.

United States Department of Energy

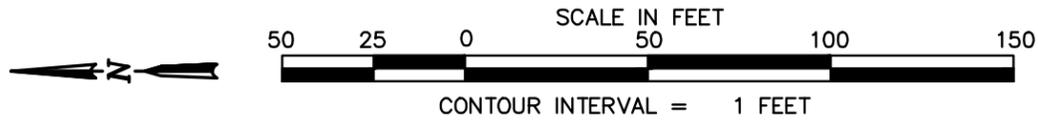
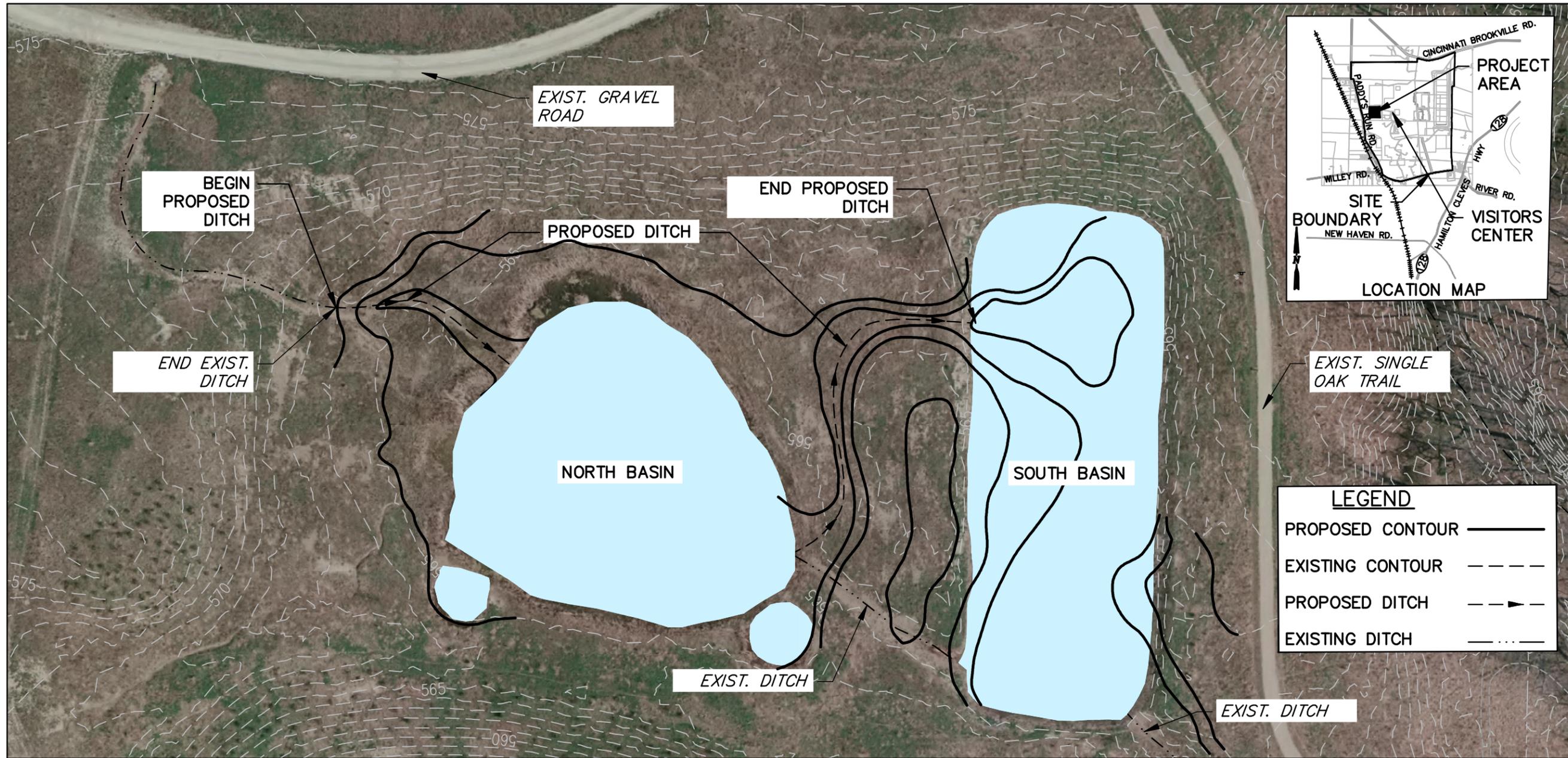
THOMAS PAULING

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DN: c=US, o=U.S. Government, ou=Department of Energy,
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Date: 2012.07.25 15:09:58 -04'00'

By: Thomas C. Pauling, Director of Site Operations, Office of Legacy Management



U.S. DEPARTMENT OF ENERGY GRAND JUNCTION, COLORADO	Work Performed by S.M. Stoller Corporation Under DOE Contract No. DE-AM01-07LM00060
SILOS AREA RESTORATION NORTH AND SOUTH BASIN GRADING PLAN	
DATE PREPARED: JULY 11, 2012	FILENAME: S09256AA



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