



Resolution No. 19
Fernald Preserve Natural Resource Trustees

Re: Approval of offer to purchase conservation/agricultural easements for Robert Bates, Robert Witte, Christopher Courtney, Douglas Loos, LRL Company, Robert Luckerman, Louis Wellner and Burwinkel Farms #1 thru #7 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, on October 17, 2011, the Trustees approved Trustee Resolution #14 confirming that Ohio EPA should authorize Three Valley Conservation Trust to conduct an appraisal of the properties.

WHEREAS, on April 19, 2012, the Trustees approved Trustee Resolution #16 confirming that Ohio EPA should enter into a grant agreement with Three Valley Conservation Trust to acquire easements on approved properties.

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 the purchase of agricultural conservation easements for the following properties in amounts up to but not exceeding the following amounts: Robert Bates \$73,500 (17.5 acres), Robert Witte \$60,900 (17.503 acres), Christopher Courtney \$35,630 (9.25 acres), Douglas Loos \$140,640 (43.936 acres), LRL Company \$261,420 (152.870 acres), Robert Luckerman \$52,440 (14.576 acres), Louis Wellner \$57,858 (11.933 acres), and Burwinkel Farms #1 thru #7 \$657,747 (625.961).

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 the purchase of the agricultural conservation easements for the following properties in amounts up to but not exceeding the following amounts: Robert Bates \$73,500 (17.5 acres), Robert Witte \$60,900 (17.503 acres), Christopher Courtney \$35,630 (9.25 acres), Douglas Loos \$140,640 (43.936 acres), LRL Company \$261,420 (152.870 acres), Robert Luckerman \$52,440 (14.576 acres), Louis Wellner \$57,858 (11.933 acres), and Burwinkel Farms #1 thru #7 \$657,747 (625.961).

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Fernald Preserve Natural Resource Trustees

DATED this 31 th day of July, 2012.

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


By: Jennifer Finfera, Columbus, Ohio Field Office

Resolution No. 19
Fernald Preserve Natural Resource Trustee

DATED this 27th day of July, 2012.

Ohio Environmental Protection Agency



By: Thomas A Schneider, Fernald Project Manager

Resolution No. 19
Fernald Preserve Natural Resource Trustees

DATED this ___th day of July, 2012.

United States Department of Energy

THOMAS PAULING

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cn=THOMAS PAULING, 0.9.2342.19200300.100.1.1=89001000652712
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By: Thomas C. Pauling, Director of Site Operations, Office of Legacy Management