



Resolution No. 7
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 the development of an implementation plan and a public outreach plan for identifying, acquiring and/or preserving restoration properties selected by the Trustees, and the implementation of two natural resource restoration “pilot 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”); and

WHEREAS, the Trustee Council, by unanimous consent, agrees that Ohio EPA should enter into a contract (draft attached, not to exceed \$50,000) 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 the implementation of the NRFUP consistent with the NRRP, the identification, acquisition and/or preservation of restoration “pilot project” properties approved by the Trustees, and/or the implementation of natural resource restoration “pilot projects” selected by the Trustees.

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DATED this 13th day of October, 2010.

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



By: David De Vault, Columbus, Ohio Field Office

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Ohio Environmental Protection Agency

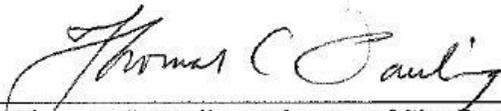
A handwritten signature in black ink, appearing to read "Thomas A. Schneider", is written over a solid horizontal line.

By: Thomas A Schneider, Fernald Project Manager

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DATED this 13th day of October, 2010.

United States Department of Energy

A handwritten signature in cursive script, reading "Thomas C. Pauling". The signature is written in black ink and is positioned above a horizontal line.

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