

**Enbridge Line 6B NRDA Trustee Council  
Resolution 2016-01**

RE: Transfer of funds from the United States Department of the Interior's Natural Resource Damage Assessment and Restoration (NRDAR) Fund to the U.S. Fish and Wildlife Service, Michigan Department of Natural Resources, the Nottawaseppi Huron Band of the Potawatomi, and the Match-E-Be-Nash-She-Wish Band of Pottawatomi for the purpose of funding future costs for planning and implementation of restoration activities.

WHEREAS, the Enbridge Line 6B NRDA Trustee Council (Trustee Council) was established pursuant to a Memorandum of Understanding (MOU) on November 5, 2010, among the State of Michigan, acting through the Department of Natural Resources and Environment and the Department of Attorney General; the United States Department of Interior (DOI), acting through the Fish and Wildlife Service (FWS) and the Bureau of Indian Affairs; the United States Department of Commerce acting through the National Oceanic and Atmospheric Administration (NOAA); the Nottawaseppi Huron Band of the Potawatomi; and the Match-E-Be-Nash-She-Wish Band of Pottawatomi. This MOU was modified on September 25, 2012, to be among the State of Michigan, acting through the Department of Environmental Quality, the Department of Natural Resources (MDNR), and the Department of Attorney General; the United States Department of Interior, acting through the Fish and Wildlife Service and the Bureau of Indian Affairs; the United States Department of Commerce acting through the National Oceanic and Atmospheric Administration; the Nottawaseppi Huron Band of the Potawatomi; and the Match-E-Be-Nash-She-Wish Band of Pottawatomi, collectively known as the Trustees.

WHEREAS, a settlement filed in the United States District Court, Western District of Michigan, Southern Division, captioned United States of America, State of Michigan, Match-E-Be-Nash-She-Wish Band of the Pottawatomi Indians and Nottawaseppi Huron Band of the Potawatomi v. Enbridge Energy, Limited Partnership, et al., Civil Action No. 1:15-cv-590, dated December 3, 2015, resulted in the payment of Natural Resource Damages to the United States, Match-E-Be-Nash-She-Wish Band of the Pottawatomi Indians and Nottawaseppi Huron Band of the Potawatomi. The Administrative Record for the Enbridge Line 6B NRDA, including the Damage Assessment and Restoration Plan / Environmental Assessment (Restoration Plan), is maintained at the U.S. Fish and Wildlife Service, East Lansing, MI, Field Office and is also available at <http://www.fws.gov/midwest/es/ec/nrda/MichiganEnbridge/>.

WHEREAS, Enbridge has made the following payments to Trustees:

- \$1,705,395.12, including interest, into Enbridge NRDA Account (#0619 - Restoration) in DOI's NRDAR Fund for restoration projects conducted by the Trustees;
- \$429,176.74, including interest and less 3% offset for Department of Justice (DOJ), into Enbridge Federal Trustees Account (#0924) in DOI's NRDAR Fund for future costs of DOI and NOAA;
- \$120,156.50 including interest, into Enbridge Tribal Trustees Account (#0925) in DOI's NRDAR Fund for future costs of Tribal Trustees;
- \$1,102,339.15, including interest and less 3% offset for DOJ, into Enbridge NRDA Account (#0619 – Past Costs) in DOI's NRDAR Fund for past costs of DOI;
- \$339,942.74, including interest and less 3% offset for DOJ for past costs of NOAA;
- \$75,104.71, including interest to the Match-E-Be-Nash-She-Wish Band of the Pottawatomi Indians for past costs; and
- \$75,104.71, including interest to the Nottawaseppi Huron Band of the Potawatomi for past costs.

WHEREAS, the Restoration Plan describes three specific projects to be performed by the Calhoun County Conservation District (CCCD) and the CCCD expects to be able to complete the projects in 2016 to 2019, the Trustees agree to transfer funds from the Enbridge NRDA Account in the DOI NRDAR Fund to the FWS for establishing funding agreements with CCCD for each of the projects for a total of up to \$439,450. The FWS will submit funding requests to the DOI NRDAR Fund for each project or projects based on CCCD's work plans and timelines to initiate and complete the projects.

WHEREAS, the Restoration Plan describes two projects to be conducted by the MDNR at Fort Custer Recreation Area, the Trustees agree to transfer funds from the Enbridge NRDA Account in the DOI NRDAR Fund to the MDNR for a total of up to \$418,713. The FWS will submit funding requests to the DOI NRDAR Fund for each project or projects based on MDNR's work plans and timelines to initiate and complete the projects.

WHEREAS, the Restoration Plan describes a turtle nest protection program for which the Trustees plan to develop a request for proposals, select an entity to conduct the program, and then use a contract or grant agreement to administer the program, the Trustees agree to transfer funds from the Enbridge NRDA Account in the DOI NRDAR Fund to the FWS for a total of up to \$300,000. The FWS will submit funding requests to the DOI NRDAR Fund for the program based on the Trustees' development of a request for proposals and the feasibility of funding the project annually rather than in full from the beginning.

WHEREAS, the Restoration Plan describes a wild rice restoration project, the Trustees agree to transfer funds from the Enbridge NRDA Account in the DOI NRDAR Fund to the Nottawaseppi Huron Band of the Potawatomi for a total of up to \$275,011 for the project. The FWS will submit funding requests to the DOI NRDAR Fund for the project based on a work plan and timeline to initiate and complete the project.

WHEREAS, the Restoration Plan describes a non-recreational use analysis/restoration project, the Trustees agree to transfer funds from the Enbridge NRDA Account in the DOI NRDAR Fund to the Match-E-Be-Nash-She-Wish Band of Pottawatomi for a total of up to \$270,000 for the project. The FWS will submit funding requests to the DOI NRDAR Fund for the project based on a work plan and timeline to initiate and complete the project.

WHEREAS, funds for future costs for restoration planning, oversight and monitoring by FWS, NOAA, and the Tribal Trustees have been deposited in the DOI's NRDAR Fund, the Trustees agree the FWS will submit requests for transfers of funds to each agency and tribe, and each agency and tribe shall annually submit cost accounting documentation for funds expended and any funds remaining. Each request for funds and the annual cost documentation will be maintained in the Administrative Record.

WHEREAS, the Trustees agree that a total of \$115,026 shall be provided to individual Trustees for the purpose of funding planning, oversight, and monitoring activities for the period from January 2016 through December, 2016, consisting of \$50,000 for FWS for such direct costs, \$45,000 for the Match-E-Be-Nash-She-Wish Band of Pottawatomi and \$20,026 for the Nottawaseppi Huron Band of the Potawatomi. In addition, the Trustees agree that NOAA will incur an estimated \$10,000 for applicable, reasonable expenses for restoration planning, oversight and monitoring during this time and will provide cost documentation for future reimbursement to be requested in a future Trustee Council Resolution.

NOW THEREFORE, BE IT RESOLVED that the Trustees agree, by unanimous consent, that up to \$439,450 can be used for three CCCD restoration projects administered by FWS, up to \$418,713 can be used by MDNR for two projects at Fort Custer, up to \$300,000 can be used by FWS to fund a turtle project, up to \$275,011 can be used by the Nottawaseppi Huron Band of the Potawatomi for wild rice restoration, and up to \$270,000 can be used by the Match-E-Be-Nash-She-Wish Band of Pottawatomi for the non-recreational use project as listed in Table 1 and described above. FWS will submit requests for transfer of these funds from the DOI's NRDAR Fund.

AND FURTHERMORE, BE IT RESOLVED that the Trustees agree, by unanimous consent, to provide \$50,000 to FWS, \$45,000 for the Match-E-Be-Nash-She-Wish Band of Pottawatomi and \$20,026 for the Nottawaseppi Huron Band of the Potawatomi to be used for planning, oversight, and monitoring costs expected to be incurred as listed in Table 1 and described above. FWS will submit requests for transfer of these funds from the DOI's NRDAR Fund.

Table 1

Project / Trustee Costs	Amount	NRDAR Fund Account	Recipient
CCCD Projects	\$439,450	#0619 - Restoration	FWS, then CCCD
Pigeon Creek, E Drive	\$153,800		
Rice Creek, 29 Mile	\$249,000		
Rice Creek, Berm Lowering	\$36,650		
MDNR Projects	\$418,713	#0619 - Restoration	MDNR
Fort Custer Lake Enhancements	\$343,713		
Fort Custer Oak Savanna	\$75,000		
Turtle Nest Protection Program	\$300,000	#0619 - Restoration	FWS, then advertised
Wild Rice Restoration	\$275,011	#0619 - Restoration	Nottawaseppi Huron Band of the Potawatomi
Non-recreational Use Analysis and Restoration	\$270,000	#0619 - Restoration	Match-E-Be-Nash-She-Wish Band of Pottawatomi
FWS Costs in 2016	\$50,000	#0924	FWS
Match-E-Be-Nash-She-Wish Costs in 2016	\$45,000	#0925	Match-E-Be-Nash-She-Wish Band of Pottawatomi
Nottawaseppi Costs in 2016	\$20,026	#0925	Nottawaseppi Huron Band of the Potawatomi

This Resolution No. 2016-01 may be executed in counterparts and shall be effective upon execution of all parties. The date of execution shall be the date of the last party's signature. A copy of the Resolution with all original executed signature pages affixed shall constitute the original Resolution.

Enbridge Line 6B NRDA Trustee Council  
Resolution 2016-01

U.S. Department of Interior  
Fish and Wildlife Service



By: Lisa L. Williams  
Trustee Representative  
East Lansing, MI

Date: 2/11/2016

**Enbridge Line 6B NRDA Trustee Council  
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Department of Interior  
Bureau of Indian Affairs

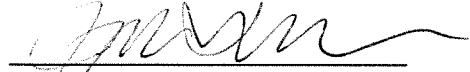


By: Charlie R. Chandler  
Trustee Representative  
Washington, D.C

Date: 2/11/2016

**Enbridge Line 6B NRDA Trustee Council  
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U.S. Department of Commerce  
National Ocean and Atmospheric Administration




By: Julie Sims  
Trustee Representative  
Ann Arbor, MI

Date: 2/11/16

Enbridge Line 6B NRDA Trustee Council  
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Michigan Attorney General



By:

Polly Synk

Trustee Representative

Lansing, MI

Date: 2-11-2016

**Enbridge Line 6B NRDA Trustee Council  
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Michigan Department of Environmental Quality

A handwritten signature in black ink that reads "Michelle DeLong". The signature is written in a cursive style with a horizontal line underneath it.

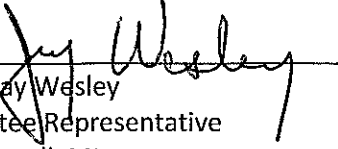
By: Michelle DeLong  
Trustee Representative  
Marshall, MI

Date: February 10, 2016



**Enbridge Line 6B NRDA Trustee Council  
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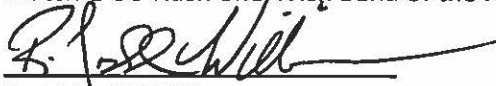
Michigan Department of Natural Resources

  
By: Jay Wesley  
Trustee Representative  
Plainwell, MI

Date: 2/11/2016

**Enbridge Line 6B NRDA Trustee Council  
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Match-E-Be-Nash-She-Wish Band of the Pottawatomis Indians

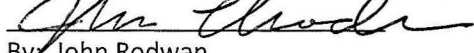


By: R. Todd Williamson  
Trustee Representative  
Shelbyville, MI

Date: 2/11/16

**Enbridge Line 6B NRDA Trustee Council  
Resolution 2016-01**

Nottawaseppi Huron Band of the Potawatomi



By: John Rodwan

Trustee Representative

Pine Creek Reservation, Fulton, MI

Date: 2/11/2016