

## **Resolution No. 1**

IN RE: SETTLEMENT AGREEMENT AMONG THE  
UNITED STATES DEPARTMENT OF THE INTERIOR,  
THE STATE OF INDIANA, AND  
MARATHON PIPE LINE LLC

IN THE UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATURAL RESOURCE DAMAGE ASSESSMENT  
RETORATION ACCOUNT

WHEREAS, The United States of America, on behalf of the Department of the Interior (“DOI”) acting through the Fish and Wildlife Service (“FWS”), and the State of Indiana Natural Resource Co-Trustees (collectively referred to as the “Trustees”), and Marathon Pipe Line LLC (“Settling Defendant”) with the approval of the United States Department of Justice (“DOJ”), entered into a Settlement Agreement to resolve, without litigation, the Trustees’ civil claims under the Oil Pollution Act of 1990 (“OPA”), 33 U.S.C. § 2701 *et seq.*; and any other applicable federal or state law for injury to, impairment of, destruction of, loss of, diminution of value of, and/or loss of use of natural resources, including the reasonable costs of assessing the injuries, resulting from 1) the release of #2 diesel fuel on March 20, 2018 into Big Creek near Solitude, Indiana (the “Big Creek Site”), and 2) the release of natural gasoline on April 2, 2019, into a tributary of Billy Creek, in Clay County, Indiana (the “Knightsville Site”).

WHEREAS, the Co-Trustees have agreed to work together on Natural Resource Damage Assessments pursuant the 1993 Memorandum of Understanding mutually entered into by the U.S. Department of the Interior, U.S. Fish and Wildlife Service, Indiana Department of Natural Resources, and Indiana Department of Environmental Management;

WHEREAS, on January 5, 2021 Marathon Pipe Line LLC transfer of \$412,780.15 arrived at the Department of the Interior Natural Resource Damage Assessment Restoration fund. The Department of the Interior Natural Resource Damage Assessment Restoration Account (#1131) has a current balance of \$412,801.02 available for restoration efforts;

WHEREAS, the Trustee Council, by unanimous consent (see attached signatures of the trustees or their representatives), agrees that the following are appropriate expenditures of settlement funds withdrawn from the Account and paid as follows:

\$30,000.00 shall be released on or near May 31, 2021, payable to the U.S. Fish and Wildlife Service for restoration plan development, which is consistent with the proposed settlement justification.

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NOW THEREFORE BE IT RESOLVED that the Trustee Council agrees by unanimous consensus that the above described funds should be withdrawn from the Natural Resource Damage Assessment Account and distributed for the purposes set out above, under the required procedures.

DATED this 5<sup>th</sup> day of May, 2021

INDIANA DEPARTMENT OF NATURAL RESOURCES

  
By: Christopher A. Smith, IDNR

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

\_\_\_\_\_  
By: Elizabeth Admire, IDEM

DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

\_\_\_\_\_  
By: Charles Wooley, USFWS

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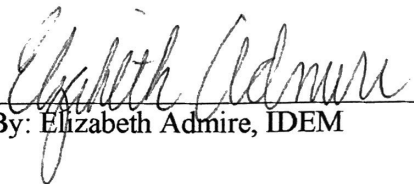
NOW THEREFORE BE IT RESOLVED that the Trustee Council agrees by unanimous consensus that the above described funds should be withdrawn from the Natural Resource Damage Assessment Account and distributed for the purposes set out above, under the required procedures.

DATED this 3 day of May, 2021

INDIANA DEPARTMENT OF NATURAL RESOURCES

\_\_\_\_\_  
By: Christopher A. Smith, IDNR

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

  
\_\_\_\_\_  
By: Elizabeth Admire, IDEM

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NOW THEREFORE BE IT RESOLVED that the Trustee Council agrees by unanimous consensus that the above described funds should be withdrawn from the Natural Resource Damage Assessment Account and distributed for the purposes set out above, under the required procedures.

DATED this \_\_\_\_ day of May , 2021

INDIANA DEPARTMENT OF NATURAL RESOURCES

\_\_\_\_\_  
By: Christopher A. Smith, IDNR

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

\_\_\_\_\_  
By: Elizabeth Admire, IDEM

DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

for

\_\_\_\_\_  
By: Charles Wooley, USFWS Region 3  
DOI Authorized Official