



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

November 13, 2013

Ms. Sheila Abraham
Ohio Environmental Protection Agency
Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087

Ms. Deborah Millsap
U.S. Fish and Wildlife Service
Columbus Ecological Services Field Office
4625 Morse Road, Suite 140
Columbus, OH 43230

Re: NOAA Participation in the Ashtabula River Trustee Council

Dear Ms. Abraham and Ms. Millsap:

I am writing about the National Oceanic and Atmospheric Administration's (NOAA) participation in the Ashtabula River Trustee Council. As you are aware, the Ashtabula River Trustees (the Ohio Environmental Protection Agency, the U.S. Fish and Wildlife Service, and NOAA) are nearing the execution of the environmental covenants mandated by the July 12, 2012, consent decree in the case of *United States v. Cabot Corporation, et al.* (the Ashtabula River natural resource damages settlement), where NOAA is identified as a natural resource trustee.

Once that task is completed, the Ashtabula River Trustees will be settling into the long-term process of monitoring and overseeing restoration and maintenance activities to be undertaken at these various conservation sites. The trustees may also be required to allocate any remaining settlement funds for additional restoration activities. In light of our co-trustees' long history at this site, NOAA's limited involvement, the need for administrative efficiency, and the limited remaining funds available to implement this long term oversight, NOAA will continue in an advisory role and defer formal participation in the Trustee Council to the Ohio Environmental Protection Agency and the U.S. Fish and Wildlife Service. This should require no formal change to the trustees' existing Memorandum of Understanding for the Fields Brook Site (under which this Trustee Council has been operating).

Please continue to include the NOAA case team members on communications regarding the Ashtabula River restoration and keep them abreast of pending actions and decisions. The NOAA case team will monitor these activities and remain available for consultation where appropriate. However, unless notified otherwise, the Trustees need not await formal NOAA approval (e.g., through signature on a Trustee Council Resolution, etc.) before making decisions on such matters.

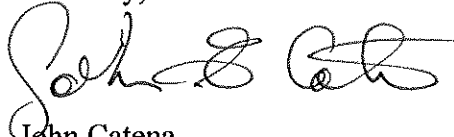


NOAA reserves the right to return to a formal decision-making role on the Trustee Council in the future, should it be appropriate. In addition, NOAA will continue to seek reimbursement for costs incurred through its advisory role. However, it is our goal that this streamlined process will foster increased efficiency and help preserve the limited remaining restoration funds available to the Trustees.

NOAA is keenly aware of the critical importance of natural resources in Ohio and the Great Lakes region, and it is a privilege to work with the capable and dedicated group of Trustees involved in the Ashtabula River Trustee Council. We look forward to our continued work on this case and the successful completion of the Ashtabula River restoration.

Should you have any questions, please contact Julie Sims from NOAA's Restoration Center at 734-741-2385 or by email at julie.sims@noaa.gov or Chris Plaisted from the NOAA Office of General Counsel, Natural Resources Section, at 562-980-3237 or by e-mail at christopher.plaisted@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John Catena", written over a horizontal line.

John Catena
Northeast and Great Lakes Regional Supervisor
NOAA Restoration Center

cc: Julie Sims, NOAA RC
Chris Plaisted, NOAA GC
Kelly Bakayza, DOI SOL
Mark Navarre, Ohio EPA
Regan Williams, Ohio EPA