

**SAGINAW RIVER AND BAY NRDAR TRUSTEE COUNCIL
RESOLUTION 2022-02**

Re: Transfer of funds for continued staff support related to restoration planning and administration for the Trustee Council for the Saginaw River and Bay Natural Resource Damage Assessment and Restoration (NRDAR).

Funds to be transferred from the United States Department of the Interior's NRDAR Fund to the Michigan Department of Environment, Great Lakes, and Energy.

WHEREAS, the Saginaw River and Bay Trustee Council (Trustee Council) was established pursuant to a Memorandum of Understanding (MOU) on November 16, 1998, among the State of Michigan, acting through the Michigan Department of Environmental Quality (MDEQ) and the Michigan Department of Attorney General (MDAG); the United States Department of the Interior (DOI), acting through the Fish and Wildlife Service (Service); and, the Saginaw Chippewa Indian Tribe of Michigan.

WHEREAS, this MOU was modified in September of 2017 to be among the State of Michigan, acting through the Michigan Department of Environmental Quality, now known as the Michigan Department of Environment, Great Lakes, and Energy (EGLE),¹ the Michigan Department of Natural Resources (MDNR), and the Michigan Department of Attorney General (MDAG); the United States Department of the Interior, acting through the Service²; and the Saginaw Chippewa Indian Tribe of Michigan, collectively known as the Trustees.

WHEREAS, a settlement filed in the United States District Court, Eastern District of Michigan, Northern Division (Consent Judgment, Docket No: 98CV10368), dated November 24, 1998, resulted in the payment of Natural Resource Damages to the United States, Saginaw Chippewa Indian Tribe of Michigan, and the State of Michigan.

WHEREAS, an amendment to the Consent Judgment filed in the United States District Court, Eastern District of Michigan, Northern Division (Amended Consent Judgment, Civil Action No: 98-10368-TLL), dated May 17, 2022 consolidated funding for the 1998 Settlement into a single DOI NRDAR account.

WHEREAS, sufficient funds, totaling approximately \$5 million, for administration and implementation of restoration remain in the Saginaw River and Bay DOI NRDAR Fund.

WHEREAS, the Consent Judgment makes provision for the use of these remaining funds at the direction of the Trustees.

WHEREAS, the Trustees have initiated supplemental restoration planning to implement stakeholder identified restoration actions in the Saginaw Bay watershed. The Trustees intend to support continued monitoring of contaminants in the Saginaw River and Bay, maintenance of previously implemented restoration actions, and future restoration actions in the Saginaw River and Bay watershed.

¹ Pursuant to Michigan Governor Whitmer's Executive Order 2019-06, effective April 22, 2019, the Michigan Department of Environmental Quality was renamed the Michigan Department of Environment, Great Lakes, and Energy.

² The Administrative Record for the 1998 Saginaw River and Bay NRDAR, including the amended Consent Judgment, a summary of projects and elements of the settlement, and Trustee reports, is maintained by the FWS Michigan Ecological Services Field Office, Lansing, MI.

WHEREAS, the Water Resources Division of EGLE has actively served as a member of the Trustee Council since 2016, participating in restoration planning and implementation activities without financial support for staff time from this NRDAR case. In August 2022, the EGLE Water Resources Division created a single position to focus exclusively on Michigan's NRDAR caseload. To enable EGLE to continue with a trustee representative in this case, the Water Resources Division requires funding to cover the salary and indirect costs associated with its Trustee Council work. The Trustees believe that \$15,000 will cover salary and indirect costs related to EGLE's ongoing participation and contributions to conducting restoration planning and implementation through September 30, 2023. At that time, or sooner if the funds are expended prior to that date, EGLE will provide cost documentation to the trustees to demonstrate how the funds were spent.

THEREFORE, BE IT RESOLVED that the Trustees agree, by unanimous consent, to transfer funds in the amount of \$15,000 from the Saginaw River and Bay NRDAR Account in the DOI NRDAR Fund to the EGLE Water Resources Division. These funds are to be used to cover salary and related costs supporting restoration planning and implementation for the Saginaw River and Bay Trustee Council. The Trustees agree that salary and related costs for these purposes means direct costs like salary, benefits, travel, and administrative support. The Michigan Ecological Services Field Office of the Service, as the federal lead administrative trustee, will facilitate transfer of funds to the EGLE Water Resources Division.

The Trustees may agree in a future resolution to allocate additional funds for salary and related costs for the Trustee agencies or the Saginaw Chippewa Indian Tribe of Michigan.

This Resolution 2022-02 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.

Signature Page For:

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

**CHARLES
TRAXLER**

Digitally signed by
CHARLES TRAXLER
Date: 2022.09.13
08:33:01 -05'00'

for

Signature:

By: Charles M. Wooley
Authorized Official for DOI
Regional Director for FWS
Midwest Region 3

Date:

Signature Page For:

Michigan Department of Attorney General

Signature: /s/Megen Miller

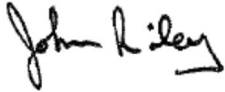
By: Megen Miller

Environment, Natural Resources, and Agriculture (ENRA) Division

Date: September 7, 2022

Signature Page For:

Michigan Department of Environment, Great Lakes, and Energy

A handwritten signature in black ink that reads "John Riley". The signature is written in a cursive style with a large initial "J" and a stylized "R".

Signature: _____

By: John Riley

Water Resources Division

Date: 9/6/2022 _____

Signature Page For:

Michigan Department of Natural Resources

Signature: Nate Levitte


By: Nate Levitte

Supervisor, Wildlife Division, Michigan Department of Natural Resources

Date: 9/16/2022

Signature Page For:

Saginaw Chippewa Indian Tribe of Michigan

Signature: 
By: Theresa Jackson
Tribal Chief, Saginaw Chippewa Indian Tribe of Michigan

Date: 9/14/2022