

July 21, 2014

Trustee Council Resolution No. 7

Ashtabula River and Harbor and Fields Brook Natural Resource Damage Restoration Work

Re: Transfer of funds from the United States Department of the Interior's Natural Resource Damage Assessment and Restoration (**NRDAR**) Fund to the Ohio Environmental Protection Agency for the purpose of entering into a Contribution Agreement with the Cleveland Museum of Natural History (**CMNH**).

WHEREAS, the Fields Brook Trustee Council was established pursuant to the December 23, 1998 Memorandum of Understanding entered into by the U.S. Department of the Interior and the Ohio Environmental Protection Agency;

WHEREAS, a settlement filed in the United States District Court, Northern District of Ohio, Eastern Division, captioned United States v. GenCorp, Inc., et. al., Case No. 5:89-CV-1866, dated July 7, 1999, resulted in the payment of Natural Resource Damages to the United States (United States Fish & Wildlife Service) and the State of Ohio (Ohio EPA), as Natural Resource Damage ("**NRD**") Trustees. The Administrative Record for the Fields Brook Site is maintained at the U.S. Fish & Wildlife Service ("**FWS**"), Ohio Field Office, Columbus, Ohio;

WHEREAS, a Fields Brook Restoration Account (#0208) has been established in the United States Department of the Interior's NRDAR Fund;

WHEREAS, a settlement filed in the United States District Court, Northern District of Ohio, Eastern Division, captioned United States v. Cabot Corporation, et. al., Case No. 1:12-CV1097, 1099, dated July 12, 2012, resulted in the payment of Natural Resource Damages to the United States (United States Fish & Wildlife Service and the National Oceanic & Atmospheric Administration) and the State of Ohio (Ohio EPA), as NRD Trustees ("**Trustees**"). The Administrative Record for the Ashtabula River and Harbor Site, including the Natural Resource Restoration Plan & Environmental Assessment (Restoration Plan), is maintained at the FWS, Ohio Field Office, Columbus, Ohio;

WHEREAS, portions of the Natural Resource Damages paid to the Trustees have been used to acquire or facilitate the acquisition of certain properties in the Ashtabula River watershed that have been transferred to the CMNH ("**Properties**");

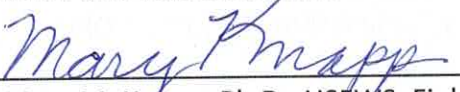
WHEREAS, the Fields Brook Trustee Council, agrees that sixty two thousand one hundred (\$62,100.00) should be transferred from the Fields Brook Restoration Account, in the United States Department of the Interior's Natural resource Damage And Restoration (**NRDAR**) Fund, to the Ohio Environmental Protection Agency, for deposit into the State of Ohio's Environmental Protection Remediation Fund, for the purpose of funding a Contribution Agreement to be entered into by the Ohio EPA and the CMNH, to assist the CMNH with the

maintenance and ecological restoration of the Properties. A copy of the draft Contribution Agreement is attached hereto as Exhibit A and incorporated by reference herein as if fully rewritten.

NOW THEREFORE, BE IT RESOLVED, that the Fields Brook Trustee Council agrees, by unanimous consent, that sixty two thousand one hundred (\$62,100.00) be transferred from the United States Department of Interior's NRDAR Fund to the Ohio Environmental Protection Agency, for deposit into the State of Ohio's Environmental Protection Remediation Fund, for the purpose of funding a Contribution Agreement to be entered into by the Ohio EPA and the CMNH, to assist the CMNH with the maintenance and ecological restoration of the Properties.

DATED this 31 day of July, 2014.

Department of Interior
U. S. Fish and Wildlife Service


By: Mary M. Knapp, Ph.D., USFWS, Field Supervisor, Ohio Field Office

Ohio Environmental Protection Agency

By: Sheila Abraham, Ph.D., Environmental Specialist 3, Ohio EPA, Northeast District Office