

RESOLUTION FOR THE MINUTES

A RESOLUTION authorizing the Executive Director to enter into a contract with the Wildlands Conservancy for dam removal projects required by a Consent Order and Agreement between the Commonwealth of Pennsylvania and Settlor's Martins Creek, LLC and Talen Generation, LLC.

WHEREAS, on April 28, 2016 the Commonwealth of Pennsylvania entered into a Consent Order and Agreement ("CO&A") with Martins Creek, LLC and Talen Generation, LLC ("Settlor's") to resolve natural resource damage claims associated with a 2005 ash slurry spill to the Delaware River from the Martins Creek Steam Electric Station in Lower Mount Bethel Township, Northampton County, Pennsylvania; and

WHEREAS, the CO&A provides in part for the Settlor's to pay the sum of \$952,150 ("the Funds") for dam removal projects in Pennsylvania and mussel restoration projects in either Pennsylvania or New Jersey ("Projects"); and

WHEREAS, by an Agreement dated November 25, 2015 with the Pennsylvania Department of Environmental Protection and the Pennsylvania Fish and Boat Commission ("Agreement"), DRBC agreed to function as the recipient and distributor of the Funds and to administer the Projects; and

WHEREAS, the Agreement provides for the Funds to be allocated as follows: Dam Removal – \$741,000, Dam Removal Contingency – \$111,150, Mussel Restoration – \$50,000 and Commission Administrative Fee – \$50,000; and

WHEREAS, the Settlor's have remitted the Funds to the Commission; and

WHEREAS, the Commission has identified three dam removal projects in the Bushkill Watershed in Northampton County, Pennsylvania, that are consistent with the terms of the CO&A and the Agreement; and

WHEREAS, on April 3, 2017 the Commission duly noticed and advertised for a qualified non-governmental organization (NGO) to facilitate the dam removal projects; and

WHEREAS, the Wildlands Conservancy was the sole qualified bidder to respond to the solicitation; now therefore,

BE IT RESOLVED that the Executive Director is authorized to enter into a contract with the Wildlands Conservancy at a cost not to exceed \$741,000, with contingency of no more than \$111,150, to fully perform through the use of subcontractors as many dam removal projects consistent with the CO&A and the Agreement as the Funds in combination with other funding sources allow.

This RESOLUTION shall take effect immediately.

ADOPTED: September 13, 2017