

## RESOLUTION FOR THE MINUTES

A RESOLUTION for the Minutes authorizing the Executive Director to enter into a contract with the Partnership for the Delaware Estuary for mussel restoration projects required by a Consent Order and Agreement between the Commonwealth of Pennsylvania and Settlers 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 (“Settlers”) 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 Settlers 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”), the Commission 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 Settlers have remitted the Funds to the Commission; and

WHEREAS, on April 30, 2023 the Commission duly noticed and advertised for a qualified firm to facilitate the mussel restoration projects; and

WHEREAS, the Partnership for the Delaware Estuary 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 Partnership for the Delaware Estuary at a cost not to exceed \$50,000 to fully perform the mussel restoration projects consistent with the CO&A and the Agreement as the Funds allow.

This resolution shall be effective immediately.

ADOPTED: September 7, 2023