

## **NOTICE OF PROPOSED SETTLEMENT AGREEMENT**

Notice is hereby given of a proposed settlement agreement through which the U.S. Department of the Interior (DOI), through the U.S. Fish and Wildlife Service (USFWS), and Thermo Fluids Northwest Inc. (TFI) will resolve, without litigation, the DOI's potential civil claims under the Oil Pollution Act of 1990 and the Comprehensive Environmental Response, Compensation and Liability Act for damages for injuries to natural resources resulting from the spill of oil or chemicals from TFI's facility on Foster Avenue in Portland, Oregon, into Johnson Creek which occurred on March 15, 2004 (the "Incident").

Under the settlement agreement, TFI is funding two restoration projects. TFI is providing \$58,728 for the Johnson Creek Watershed Council's Environmental Education Project "Watershed of 10,000 Stewards" and \$144,650 for the City of Portland, Bureau of Environmental Service's Project "Restoration of Fish Habitat on Errol Creek." Because the two projects are anticipated to provide for the restoration of natural resources alleged to be potentially injured by the Incident, the DOI will release and covenant not to sue TFI for damages for injury to natural resources arising from the Incident including natural resource damage assessment and restoration monitoring costs associated with the Incident.

Comments on the proposed settlement must be received by close of business on September 9, 2005. The proposed settlement agreement may be examined at [http://www.fws.gov/pacific/oregonfwo/EnvContam/EC\\_home.html](http://www.fws.gov/pacific/oregonfwo/EnvContam/EC_home.html). Comments should be addressed to Dr. Michael Szumski, USFWS, Oregon Fish and Wildlife Office, 2600 SE 98<sup>th</sup> Avenue, Suite 100, Portland, OR 97266. A copy of the proposed settlement agreement also may be obtained, or comments submitted, by contacting Dr. Szumski by telephone at 503-231-6179, by fax at 503-231-6195, or by e-mail at: Mike\_Szumski@fws.gov.

Final approval of this agreement by the DOI will be subject to this public notice and comment. The DOI may withdraw its consent if public comments disclose facts or considerations which indicate that the agreement is inappropriate, improper, or inadequate.