



KANSAS NATURAL RESOURCE TRUSTEE COUNCIL

U.S. Department of the Interior
&
State of Kansas



Resolution No. 1 Cherokee County Natural Resource Trustees

Re: Adoption of the Cherokee County Restoration Plan Environmental Assessment dated December 2008 as the Restoration Plan for the Kansas Trustee Council.

WHEREAS, the Kansas Department of Health and Environment (KDHE) and the Department of the Interior (DOI) established the KDHE/DOI Trustee Council (Trustee Council) pursuant to the November 2002 Memorandum of Agreement, for the purpose of conducting joint natural resource damage assessment and restoration actions;

WHEREAS, a Cherokee County Restoration Fund has been established in the United States Department of the Interior's Natural Resource Damage Assessment and Restoration Fund (NRDAR Fund);

WHEREAS, Trustee Council joint recoveries of natural resource damages have been, and will be, deposited in the Cherokee County Restoration Fund within the NRDAR Fund;

WHEREAS, the DOI, through the US Fish and Wildlife Service (FWS), adopted a Cherokee County Restoration Plan Environmental Assessment (the Restoration Plan) in 2008 for the purpose of implementing restoration of injured natural resources at the Cherokee County Superfund Site;

WHEREAS, the KDHE, as the natural resource trustee for the state of Kansas, wishes to adopt the Restoration Plan as its plan for restoration of injured natural resources in the Cherokee County Superfund Site;

WHEREAS, the KDHE concurs with the FWS analysis and prioritization of the restoration alternatives as specified in the Restoration Plan;

WHEREAS, KDHE and DOI/FWS understand that the restoration alternatives in the Restoration Plan may be modified in the future by agreement of the DOI and the KDHE if new or additional information is gathered that indicate changes are necessary;

WHEREAS, the Trustee Council agrees to implement the Restoration Plan for the use of all jointly recovered natural resource damages to restore injured natural resources in the Cherokee County Superfund Site;

Bureau of Environmental Field Services
1000 SW Jackson, Suite 430
Topeka, KS 66612-1387

DIVISION OF ENVIRONMENT

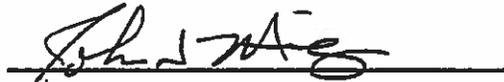
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NOW THEREFORE BE IT RESOLVED that the Trustee Council agrees, by unanimous consent, that the Cherokee County Restoration Plan Environmental Assessment will be implemented by the Trustee Council for the use of all jointly recovered natural resource damages to restore, replace, or acquire the equivalent of injured natural resources in the Cherokee County Superfund Site.

**Resolution No. 1
Cherokee County Natural Resource Trustees**

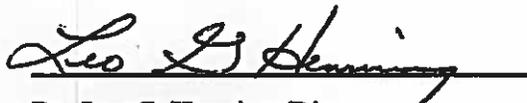
DATED this 8th day of July, 2009.

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



By: John Miesner, Manhattan, Kansas Field Office

Kansas Department of Health and Environment



By: Leo G. Henning, Director
Bureau of Environmental Field Services