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September 29, 2009

The Honorable \_\_\_\_\_  
United States District Judge  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

Re: United States of America v. Exxon Corp.  
Criminal No. 91-131

(SDW)

Your Honor:

I am writing on behalf of the Governments' Committee to request that you sign the attached proposed Order directing disbursement of \$963,000 from the USA v. Exxon, Arthur Kill Criminal Court Registry Account (CRIS Account #: 3:91-CR-131-01) to the New Jersey Department of Environmental Protection (NJDEP). Payment of the sum of \$963,000 should be made via a check made payable to the "Treasurer, State of New Jersey" and mailed to John Sacco, New Jersey Dept. of Environmental Protection, Office of Natural Resource Restoration, PO Box 404, 501 East State Street, Trenton, NJ, 08690-0404.

Enclosed as Exhibit A is Resolution 54 of the Governments' Committee authorizing the disbursement of the funds to the NJDEP.

The funds will be utilized by the NJDEP to partially fund the Lincoln Park West Wetland Restoration Project (LPWWRP) proposed to be implemented in Jersey City, NJ.

The proposed LPWWRP site is located in a highly urbanized area of the Hackensack Meadowlands, within the Arthur Kill ecosystem. Furthermore, the Lincoln Park West Wetland Restoration Project site is a part of the Lincoln Park Complex, an approximately 270-acre parcel owned by the Hudson County Department of Parks and Recreation (HCDPR). The HCDPR has owned the Lincoln Park Complex since 1905 and has dedicated the property to permanent open space and recreational usage. The LPWWRP is part of a larger proposed plan to restore and improve approximately 90 acres of the Lincoln Park Complex property via activities including: a landfill closure; wetland habitat restoration and recreational improvements (golf course and trails); and the beneficial reuse of harbor navigation materials (clean sand).

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It is estimated that it will cost \$13.6 million dollars to complete the Lincoln Park West Wetland Restoration Project. The NJDEP and the U.S. Army Corps of Engineers, Eastern District of NY, have provided and will continue to contribute substantial resources, including expertise, materials, and funds, to the development of the Lincoln Park West Wetland Restoration Project. Specifically, the NJDEP and the ACOE have provided \$1.2 million in past costs towards the feasibility study and preparation of the Draft Ecosystem Restoration Report and Environmental Assessment. Additionally, the HCDPR, NJDEP, ACOE, and the Port Authority of New York and New Jersey are partnering to have clean sand material from an ACOE navigational dredging project available for use at the Lincoln Park West Wetland Restoration Project; and

Additionally, the NJDEP applied for, and was selected by NOAA as a recipient of, American Recovery and Reinvestment Act (ARRA) funds as the non-federal sponsor of the Lincoln Park West Wetland Restoration Project. NOAA selected the Lincoln Park West Wetland Restoration Project site to receive \$10.6 million of the \$167 million in federal ARRA funds Congress has authorized the agency to administer for wetland restoration.

The Government's Committee, recognizing the multiple benefits of partnering with the other federal and state entities listed above to complete the LPWWRP, has resolved to expend the remainder of funds in the New Jersey Subaccount on this worthwhile project. Economies of scale will be realized by joining Exxon Bayway settlement funds to the other funding and in-kind contributions listed above. By coordinating project planning, oversight, mobilization, and construction tasks and costs, the project partners will avoid duplication of effort and maximize the use of each entity's knowledge, expertise, and resources to accomplish the LPWWRP in a cost effective and timely manner:

The NJDEP will utilize the funds, on behalf of the Governments Committee, to complete the planning and implementation of the Lincoln Park West Wetland Restoration Project.

This expenditure complies with Paragraph 9 of the Criminal MOA and Paragraphs III.B and III.D.4.A of the Civil MOA incorporated into the above referenced matter.

Because there is consent to the issuance of this Order, opposing papers will not be submitted. I respectfully request that the within proposed Order be issued as soon as possible. The NJDEP's arrangement with their construction contractor, and terms of the ARRA stimulus money grant, requires that the NJDEP have all project funds available by October 1, 2009.

One check in the amount of \$963,000 should be made payable to the "Treasurer, State of New Jersey" and mailed to:

John Sacco  
New Jersey Dept. of Environmental Protection  
Office of Natural Resource Restoration  
PO Box 404  
501 East State Street  
Trenton, NJ, 08690-0404

For the Court's convenience, I am enclosing an original and two copies of the proposed Order and two self-addressed stamped envelopes, one addressed to Mr. Sacco to facilitate mailing of the check, and one addressed to me to facilitate the return of the Order when issued.

Thank you for your consideration of this matter.

Sincerely,

RALPH J. MARRA, JR.  
Acting United States Attorney

By: Susan Steele  
SUSAN J. STEELE  
Assistant U.S. Attorney

cc: Gwendolyn McCarthy, NOAA Office of General Counsel  
Mark Barash, DOI Solicitor's Office  
John F. Dickinson, Esq. (NJAG)