

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 83-C-2386

STATE OF COLORADO,

Plaintiff,

vs.

UNITED STATES OF AMERICA,  
SHELL OIL COMPANY, et al.,

Defendants.

---

**AMENDMENT TO 2008 CONSENT DECREE BETWEEN  
SHELL OIL COMPANY AND THE STATE OF COLORADO**

---

Plaintiff State of Colorado (the "State") and Defendant Shell Oil Company ("Shell") (collectively, the "Parties") have agreed to the entry of this Amendment to 2008 Consent Decree ("Amendment to Consent Decree").

**BACKGROUND**

1. Since the Court entered the 2008 Consent Decree, attached as **Exhibit 1** to this Amendment, Shell has transferred the funds and the property as described in that document.

2. Pursuant to paragraph 6 of the 2008 Consent Decree, **Exhibit 1**, the \$10 million Shell donated to the Colorado Department of Natural Resources Foundation Fund ("Foundation Fund") may only be used to fund projects selected by the Northeast Greenway Corridor workgroup ("NGC"), a collection of Denver metro area governments and a non-profit. The

balance of the money paid to the State by Shell and the United States and held in the Colorado Natural Resources Recovery Fund (“Recovery Fund”), approximately \$17.4 million, was not subject to this limitation.

3. Using money from the Foundation Fund and the Recovery Fund, together with matching funds generated by project proponents, and working together with the NGC, the State has funded over \$50 million in natural resource restoration projects in the Denver metro area.

4. Approximately \$1 million remains in the Foundation Fund and approximately \$7 million remains in the Recovery Fund.

5. The NGC no longer exists.

6. The State will issue a Solicitation for Project Proposals to seek new projects to expend the remaining funds in both the Recovery Fund and the Foundation Fund for projects that restore, replace or acquire the equivalent of the injured resources without the constraint that the remaining funds in the Foundation Fund be used only for projects selected by the NGC. Shell supports this course of action. Additionally, the State circulated this Amendment to Consent Decree to the seven constituents of the former NGC for their review.

#### **AMENDMENT**

7. The Parties agree the 2008 Consent Decree is hereby amended to nullify future application of the provision in Paragraph 6 that requires Foundation Fund monies be used solely for the Greenway Project and any provisions associated therewith which may effectuate, or require, or be construed to require any future compliance with said provision in Paragraph 6. The Parties further agree that Foundation Fund monies will be used to restore, replace or acquire the equivalent of the natural resources injured as required by the Comprehensive Environmental

Response, Compensation, and Liability Act, 42 U.S.C. § 9607(f). This does not affect the use of the money in the Recovery Fund, which remains subject to the 2008 Consent Decree and the separate Consent Decree with the United States.

**FOR THE STATE OF COLORADO:**



Dated: March 24, 2023

---

PHILIP J. WEISER  
Attorney General  
Colorado Natural Resources Trustee



Dated: March 26, 2023

---

TRISHA OETH  
Director of Environmental Health and Protection, Colorado Department of Public Health and Environment  
For Jill Hunsaker Ryan, Executive Director, Colorado Department of Public Health and Environment  
Colorado Natural Resources Trustee



Dated: March 24, 2023

---

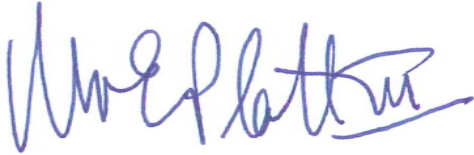
DAN GIBBS  
Executive Director, Colorado Department of Natural Resources  
Colorado Natural Resources Trustee

Approved as to form:

/s/ David E. Banas  
DAVID E. BANAS\*  
Senior Assistant Attorney General  
Colorado Attorney General's Office

Dated: March 24, 2023

**FOR SHELL USA, Inc., fka SHELL OIL COMPANY:**



\_\_\_\_\_  
William E Platt  
Portfolio Manager, Global PCRO  
Shell USA, Inc.

Dated: April 18, 2023

Approved as to form:

/s/ Aselda J. Thompson  
Aselda J. Thompson  
Senior Legal Counsel  
Shell USA, Inc.

Dated: April 18, 2023

So ordered this \_\_\_\_ day of \_\_\_\_\_, 2023.

BY THE COURT:

\_\_\_\_\_  
United States District Court Judge