

Subject: Sheldons Marsh
Resent-From: BarnesNursery.Comments@noaa.gov
Date: Mon, 23 Dec 2002 13:06:22 -0500
From: "Jennfier Abram" <jenoh1@msn.com>
To: <barnesnursery.comments@noaa.gov>

Please read attached from concerned Ohio citizen

 Sheldons Marsh Letter.txt	Name: Sheldons Marsh Letter.txt Type: Plain Text (text/plain) Encoding: quoted-printable
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December 22, 2002

To The Department of Commerce
Re: Sheldon's Marsh Project

Dear Molly Hol
NOAA Office of the Asst., Gen.
Counsel for Ocean Services,

I am writing to you as a concerned Ohio Citizen regarding the
Sheldon Marsh Project.
I am in strong support of the restoration of the Sheldon Marsh
to its ORIGINAL, pre -construction condition.

It is unbelievable that the Barnes Nursery Project is
allowed to continue, particularly the fact that a Costal Consistency Agreement form wa

As an owner and caretaker of a large private wildlife preserve
with wetland, waterway, forestry and grasses for habitat projects, we personally su
bulldozing practices of neighboring property owners.
When in the interest of self gain, natural waterways, streams,
virgin forrests were completely destroyed with NO respect to
our little creatures as well as to the owners Ohio neighbors who
live there, while the bulldozers do not.... Interesting how, now 10 years later, these
It is NO WONDER the world is in the condition it is in.
There is NO END to inconsideration to the little life.
Please see that our Natural coastline is restored. WE do have some voice in this...
I only wish that I can see the return of the river and some of the trees that were de

Sincerely,
Jennifer M. Abram
Greenwich, Ohio, www.jenoh1@msn.com

Subject: Support Ohio's Denial of the Barnes Nursery Project
Resent-From: BarnesNursery.Comments@noaa.gov
Date: Mon, 23 Dec 2002 15:12:10 EST
From: <Pkellydl@aol.com>
To: barnesnursery.comments@noaa.gov

Dear Ms. Holt

I am a Youth Minister, Chemistry teacher, and a mother of three in the Huron area. I am writing to ask you to uphold Ohio's denial of the Barnes Nursery project. No one in our area was notified regarding the Barnes permit, which was applied for one day and granted the next. If we had been given a chance to voice our opinion I can assure you we would not have supported this project.

The Barnes project does not promote the National interest, it doesn't even support local interest. In fact, I find that it is counter to both National and Local interests. The Sheldon Marsh Nature Preserve is vital to our local and global community. I have taken many of my classes there to study the sulfuric acid compounds found in plants that grow there. My general science students (who traditionally are not very interested in science), were facinated by the Preserve and couldn't believe that a place like it existed in this area. In fact, after several field trips there I knew that I could pique their interest in an otherwise dry topic by tying it to Sheldon's Marsh. The education of our students should be at the top of the list of things that support our National interest. Anything that interferes with the educational process should be considered counter to that interest. Degradation of Sheldon's Marsh interferes with the education of our students locally and those students who study unique ecosystems nationally.

This begs the question; Do students beyond Erie County have an interest in Sheldon's Marsh? The answer to that question is yes. In an environmental Chemistry course at the University of Notre Dame we studied an area that ecologists referred to as "the jewel of the western basin." It is an area that is so full of ecological diversity that biologists from all of the world have studied it. I was shocked to find out that they were referring to the Sandusky Bay area. The only portion which had remained relatively free of degradation was the Sheldon's Marsh State Nature Preserve area.

This is a rare area. It is impossible for the Barnes project to proceed, or even remain as it is, without adversely effecting this unique ecosystem. Educators locally and nationally would benefit by the denial of this project. Please deny Barnes' construction of a dike and channel in this rare catagory III wetland for the sake of students and teachers everywhere.

Thank you !

P. Kelly Lamb
3303 Cleveland Rd. W.
Huron, Ohio 44839

Subject: Uphold Ohio's denial of Barnes permit
Resent-From: BarnesNursery.Comments@noaa.gov
Date: Mon, 23 Dec 2002 15:45:57 EST
From: <Timothyalamb@aol.com>
To: barnesnursery.comments@noaa.gov

Dear Molly Holt,

I am an avid Lake Erie fisherman. The Barnes Nursery Project has been shown to adversely affect the Lake Erie fish population through increasing water turbidity, destruction of vegetation, loss of aquatic habitat, and increase of invasive species.

Economically speaking, sport fishing is extremely important to this area. I've met people who have travelled a great distance just for the opportunity to hook a few walleye. The fishing tournaments bring in a great deal of money supporting a great many local businesses.

Please uphold Ohio's denial of the Barnes project. Obviously I care primarily about whether I'm going to fish my limit next year and I don't appreciate individual interests that get in the way of that. But I'm also concerned about the precedent that granting this would set. This would undermine all coastal and wetland laws in this country. That is something that we can't afford from any point of view. Barnes has other options that would not have such a deleterious effect on the environment both here and abroad.

Thank you for your kind attention.

Sincerely,

Timothy A Lamb

Subject: comments

Resent-From: BarnesNursery.Comments@noaa.gov

Date: Mon, 23 Dec 2002 17:03:30 -0500

From: "Your Name" <glanders@stratos.net>

To: barnesnursery.comments@noaa.gov

Molly Holt
U.S. Department of Commerce NOAA
1305 East-West Highway
Room 6111
Silver Spring, MD 20910

Dec 23 2002

Dear Ms Holt

I am writing on behalf of the Sierra Club Great Lakes Program to provide comment on the State of Ohio's denial of a finding of Coastal Consistency for the Barnes Nursery project in the Sheldon Marsh wetland complex. We support the State's position that this project is inconsistent with purposes of the Coastal Zone Management Act. We urge you to sustain that decision and deny the appeal by Barnes Nursery.

To begin, let me say that the Sierra Club Great Lakes Program office in Cleveland has followed the controversy surrounding this particular project since construction of a channel and dike first began. We have, to the degree that our schedule has allowed, participated in the public comment periods available to us, as well as carried on correspondence with the Army Corps of Engineers and other interested parties.

It is our belief that this project has never met the requirements for issuance of a permit, and we are shocked that Barnes Nursery has decided to continue the debate on to the appeal stage. Whatever the supposed purpose of this project, we believe it should be denied as an inappropriate intrusion on the Sheldon Marsh wetlands complex that would have large scale negative impacts. On the other hand, the purpose of irrigation for the nursery can be achieved through other means.

It is our belief that the history of this project has been marked by serious errors and questionable decision-making. We hope that in addition to considering the Barnes appeal, NOAA should review the record of the Army Corps involvement with this permit and initiate a full investigation of how and why things went wrong. It would be a far better use of federal resources than consideration of project that has been wrong since its inception.

Thank you for this opportunity to provide comment

Sincerely

Glenn Landers
Sierra Club Great Lakes Program
2460 Fairmount Blvd., Suite C
Cleveland Heights, Ohio 44106

--
CoreComm Webmail.
<http://home.core.com>

Subject: support of State of Ohio's position on Barnes Nursery Project

Resent-From: BarnesNursery.Comments@noaa.gov

Date: Mon, 23 Dec 2002 11:23:53 -0500

From: "Mike Busam" <mjb@schaffer.cc>

To: <barnesnursery.comments@noaa.gov>

I'm writing to support the state of Ohio's denial of the Barnes Nursery "Coastal Consistency" project. The Barnes Nursery dike and channel project has, from the beginning, failed to follow the rules and regulations required for such developments. The early permits used to begin the work did not go through the correct public procedures, and there were no opportunities for citizens to comment on the dike and channel project before the construction began. Only after the work commenced did people realize what was going on; but by then, it was too late, in a sense.

If Barnes Nursery wins the appeal, it will serve to reward poor and hasty planning as well as encourage other developers to ignore or take lightly existing state and federal rules and regulations.

Sincerely,

---Mike Busam

7577 Whitehall Circle West
West Chester, OH 45069

Subject: Barney Nursery Project comments

Resent-From: BarnesNursery.Comments@noaa.gov

Date: Mon, 23 Dec 2002 07:24:46 EST

From: <HESEWRIGHT@cs.com>

To: barnesnursery.comments@noaa.gov

Dear Ms. Holt,

This letter is to express my concerns over the Barnes Nursery Project in Huron, Ohio. This project is not consistent with the purposes of the Coastal Zone Management Act and does not satisfy the requirements of furthering a national interest in a significant way, and there are reasonable alternatives available which will bring them the water they need.

I feel that the citizens of Ohio have been denied their right and the due process of law.

Barnes did not notify the adjoining property owners of this project, they circumvented the required authorizing State agencies, comments and permits specifically required on the original Army Corps of Engineers permit and they held no public information sessions that would have brought to light the lack of coastal consistency before the oversized dike and channel were built in a rare category III wetlands containing a state nature preserve.

I am amazed that the original erroneous Army Corps permit was applied for one day and granted the next, allowing no time for scrutiny.

This project has and will continue to have adverse effects on the surrounding coastal wetland and needs to be removed as soon as possible. The hydrology of the area has already been altered and invasive species are taking hold, as well as hunters using the dike to shoot into the nature preserve.

This project is illegal and the laws need to be enforced on this harmful project. This type of activity sets a dangerous precedent which could impact all wetland and coastal laws in our country.

The alternatives that exist to allow Barnes to get the water they need include: rebuilding ponds that once existed on their property, recycling water that is being used on plants now, relocating some potted plants to other property they own and how about purchasing water? I don't know of too many businesses that get free water.

I could go on but I know you have a lot of material to read, so I just wanted you to know that there are concerned citizens who are watching what happens in this case. Thank you.

Sandra E. Wright
1231 Laguna Drive
Huron, OH 44839

Subject: Deny the Barnes appeal, uphold Ohio's Ruling.

Resent-From: BarnesNursery.Comments@noaa.gov

Date: Sun, 22 Dec 2002 11:09:20 EST

From: <SY1154@aol.com>

To: barnesnursery.comments@noaa.gov

Molly Holt, U.S.
Department Of Commerce, (NOAA)
1305 East-West Highway, Room 6111
Silver Spring, MD, 20910

Ms. Holt,

I am writing to urge you to deny the Barnes Nursery appeal of Ohio's denial of Coastal Consistency. It is my understanding that such an appeal must satisfy three requirements. The Barnes project fails to address any of these requirements.

1. The activity furthers the national interest in a significant or substantial way.

This project in no way furthers any national interests. It serves only the interests of Barnes Nursery and is causing great harm to Sheldon Marsh State Nature Preserve. This SNP was established to protect one of Ohio's few remaining natural coastal areas and is of great importance as a fish nursery and migratory bird stopover. These natural functions are of national, and even international interest.

2. The national interest furthered by the activity outweighs the projects adverse coastal effects, when those effects are considered separately or cumulatively.

One private nursery owner has drastically altered the coastline and hydrology of a vital Category III Wetland and created a huge sump which siphons water from the entire Sheldon Marsh Complex. This water is then used to water container grown plants which are sold for commercial landscaping. If, as Barnes Nursery claims, they cannot easily and cheaply obtain the vast amount of water needed to grow container plants on that site, why do they feel it is a matter of national importance? Try as I might, I cannot see how our nation derives any benefit from this activity.

3. There is no reasonable alternative available which would permit the activity to go forward in a consistent manner with the management program.

I have not seen evidence of Barnes Nursery seriously considering any alternatives to this project. Many alternatives do exist including the purchase of county water, and reestablishing the retention ponds that once existed on Barnes property. It would also be possible to use much more efficient irrigation techniques. The growing of container plants is just a recently added component of the Barnes Nursery operation. It should never have been begun on that site if there was not an adequate supply of water available and it could be relocated to a different area that had a sufficient water supply. I seriously question why one private business thinks it should be granted exception to our coastal laws for its own financial gain.

Since this project in no way satisfies any of the above requirements it must be denied. Do not allow the weakening of the Coastal Zone Management Act. Support Ohio's denial of Coastal Consistency of the Barnes Nursery project. Do not set a precedent which would allow private interests to undermine environmental protection.

A project for private financial gain, begun without proper authorization, and which has serious adverse effects on a Category III Wetland within a state nature preserve cannot be tolerated. Sheldon Marsh State Nature Preserve must be restored to its original, pre-construction condition.

Sincerely,
Sheryl Young
5820 McCartney Rd.
Sandusky, OH 44870

Subject: Sheldon Marsh

Resent-From: BarnesNursery.Comments@noaa.gov

Date: Sat, 21 Dec 2002 05:00:36 -0800 (PST)

From: Alyn Eickholt <ameickholt@yahoo.com>

To: barnesnursery.comments@noaa.gov

I urge restoration of Sheldon Marsh to its pre-construction condition ASAP.

Alyn Eickholt

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<http://mailplus.yahoo.com>

Subject: Fwd: mollyholtattorneyadviser noaa
Resent-From: BarnesNursery.Comments@noaa.gov
Date: Sat, 21 Dec 2002 15:45:27 -0500 (EST)
From: sjmdjm@webtv.net (steve macionsky)
To: barnesnursery.comments@noaa.gov

Subject: mollyholtattorneyadviser noaa
Date: Sat, 21 Dec 2002 13:23:57 -0500 (EST)
From: sjmdjm@webtv.net (steve macionsky)
To: sjmdjm@webtv.net

1st dig..july 2000. i live next door to the marsh in a 4 story condo and also have an 80 foot light house next to me. you could say i see it all and no one else can. i watched this destruction for a few days since i had notified the odnr. barnes did not notify any state agencies. i thought it was strange to dig a 52 foot wide by 10 feet deep. as my mind worked overtime , unlike all state and federal agencies i found out that this venture was started by a wealthy group of partners. CCCMB corso, corso, cedar fair (cedar point) murray and barnes. why would they help barnes try and steal water from the marsh by the way way it took 3 weeks to give me that information. was this ditch going to be fo a marina and condos and single family homes ? the 5 properties were connected, closing 2 sides of the marsh. we have about 2,000 concerned citizens and agencies and professional organizations.honesty always pays and lies and always loose. the ditch has already caused a great deal of damage. i am not a biologist, but have talked to many since it started. this is the most devastating project any have seen. mr. barnes should restore the entire thing back to its original condition !!!! restoration to the original condition of the marsh complex to bring this area into consisyency with ohio's costal management plan.

if interested.....i have about 500 pages from the freedom of information act. some others we no sent to me. we should be be very spectacle about the army corps. if they don,t send info, i get it from some one else!!!!!!!!!!
thank you
steve j. macionsky, ir
23 cedar point road
sandusky, oh 4870
419-626-610

Subject: Sheldon marsh State Nature Preserve
Resent-From: BarnesNursery.Comments@noaa.gov
Date: Thu, 19 Dec 2002 15:31:37 -0500
From: "Guy Denny" <guydenny@ecr.net>
To: <barnesnursery.comments@noaa.gov>

As the former Chief of the Ohio Department of Natural Resources' Division of Natural areas and Preserves, now retired, I am very concerned about protecting the ecological integrity of Sheldon Marsh State Nature Preserve. Like so many others, shortly after Barnes Nursery constructed the canal in question to access waters from Lake Erie, I was told that this project had severely impacted the nature preserve. However, upon making my own personal site inspection of the project, I saw that the canal was not constructed on state nature preserve property, it had initially been authorized by the U. S. Corps of Engineers, and because of extremely low lake levels it had not negatively impacted the preserve. Nor could it be draining the preserve since the canal was dug in impervious lake clay parallel to the shoreline above lake levels.

Now that the waters of Lake Erie are back up, I believe it would be a serious mistake to have the canal restored to former condition. Doing so would likely release large amounts of sediments into the waters surrounding the preserve since the canal is no longer above the level of the lake as it was when it was dug.

Thank you for the opportunity to comment.

Guy L. Denny

Subject: Barnes Nursery
Resent-From: BarnesNursery.Comments@noaa.gov
Date: Thu, 19 Dec 2002 06:46:51 -0500
From: rwheeler@accnorwalk.com (Robert Wheeler)
To: barnesnursery.comments@noaa.gov

To whom it may concern,

I believe Sheldon's Marsh is a unique preserve and should be protected by all means possible for future generations. I understand Barnes need for irrigation, but it can be done in such a way as to [REDACTED] fragile preserve. A dike and channel project [REDACTED] without the proper permits should be overturned and the [REDACTED] to the pre-construction condition.

As a resident of Erie County, I appreciate the chance to voice my opinion on the Sheldon's Marsh/Barnes Nursery project.

Thank you,

--
Robert K. L. Wheeler
Linda Wheeler
Homer Page Farm - Milan Ohio
[REDACTED]-----

Subject: Comments re Barnes Nursery
Resent-From: BarnesNursery.Comments@noaa.gov
Date: Thu, 19 Dec 2002 10:03:42 -0500
From: "Melinda Huntley" <huntley@coastalohio.com>
Organization: Lake Erie Coastal Ohio
To: <barnesnursery.comments@noaa.gov>

December 18, 2002

Molly Holt<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

Attorney-Advisor, Office of the Assistant General Counsel for Ocean Services

National Oceanic and Atmospheric Administration, US Department of Commerce

1305 East-West Highway, Room 61

Silver Spring, MD 20910

Dear Ms. Holt:

SUBJECT: Stop Barnes Nursery from Destroying an Important Natural Resource and an Important Economic Development Partner

Please consider this as opposition to the appeal of Barnes Nursery Inc. regarding the Ohio Department of Natural Resources' objection regarding the "excavated channel and berm system intended to store water for agricultural purposes."

The channel is already doing damage to the Lake Erie shoreline – in the 300-plus acre marsh, the channel is collecting the most water and is taking water away from the natural wetlands. The natural balance of the habitat has been impaired. Aside from the fact that the stated purpose for the channel has changed several times over the last few years, it doesn't appear that all options for groundwater supplies have been explored for Mr. Barnes' current need.

Nature-based tourism is a priority of the State of Ohio, particularly along the shoreline (*Lake Erie Protection & Restoration Plan, 2000*). In fact, a new organization (Lake Erie Coastal Ohio, Inc.) was incorporated in March 2002 to implement a tourism strategy for reaching the nature traveler. This is a year-round market that could stabilize our seasonal economy, and it's the growing tourism segment in the country. Birdwatching is the fastest growing outdoor activity in the United States. Just take a look at the attendance figures from the Ottawa National Wildlife Refuge – 120,000 visitors per year. These visitors spend more than \$5.6 million during their stay – dollars spent in nearby hotels, restaurants, gas stations and gift shops.

Sheldon's Marsh has been designated an Important Bird Area by the National Audubon Society and attracts more than 80,000 visitors a year. In its natural state, Sheldon's Marsh is an economic tool. It attracts visitors who spend dollars at many different businesses, not just one.

Please do not permit the channel to remain. Replace the spoil material, and restore the property to the best of it.

ability. For those areas that cannot be restored, restitution in the form of mitigation or improvements to other areas of the preserve should be implemented.

Thank you for your sincere consideration.

Sincerely,

-- electronic submission --

Melinda Huntley

2515 Merriweather Rd.

Sandusky, OH 44870

Subject: sheldon marsh

Resent-From: BarnesNursery.Comments@noaa.gov

Date: Wed, 18 Dec 2002 23:42:37 -0500

From: "bugeda" <bugeda@buckeyeweb.com>

To: <barnesnursery.comments@noaa.gov>

+ADwAIQ-DOCTYPE HTML PUBLIC +ACI-//W3C//DTD W3 HTML//EN+ACIAPg-
+ADw-HTML+AD4- +ADw-HEAD+AD4- +ADw-META content+AD0AIg-text/html+ADs-
charset+AD0-utf-7+ACI- http-equiv+AD0-Content-Type+AD4- +ADw-META
content+AD0-'+ACI-MSHTML 4.72.3110.7+ACI-' name+AD0-GENERATOR+AD4-
+ADw-/HEAD+AD4- +ADw-BODY bgcolor+AD0AIw-ffffff+AD4- +ADw-DIV+AD4APA-FONT
color+AD0AIw-000000+AD4-To whom it may concern:+ADw-/FONT+AD4APA-/DIV+AD4-
+ADw-DIV+AD4APA-FONT color+AD0AIw-000000+AD4-I am writing to express my concern for the
habitat loss at the Sheldon Marsh property along the Lake Erie Shoreline.+ACY-nbsp+ADs- I understand
this project is not in compliance with Ohio Coastal protection rules, and should not be allowed to proceed
any further.+ACY-nbsp+ADs- In fact, Sheldon Marsh should be restored to its original preconstruction
condition, and be protected as one of our few remaining lakeshore coastal natural
areas.+ADw-/FONT+AD4APA-/DIV+AD4- +ADw-DIV+AD4APA-FONT
color+AD0AIw-000000+AD4-Sincerely,+ADw-/FONT+AD4APA-/DIV+AD4-
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Bugeda+ADw-/FONT+AD4APA-/DIV+AD4- +ADw-DIV+AD4APA-FONT
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Ohio+ACY-nbsp+ADsAJg-nbsp+ADsAJg-nbsp+ADsAPA-/FONT+AD4APA-/DIV+AD4-
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2002+ADw-/FONT+AD4APA-/DIV+AD4APA-/BODY+AD4APA-/HTML+AD4-

Subject: Barnes Nursery appeal of Ohio's Coastal Consistency Plan
Resent-From: BarnesNursery.Comments@noaa.gov
Date: Wed, 18 Dec 2002 10:50:58 -0500
From: "Ken Reed" <kreed@ohio.net>
To: <barnesnursery.comments@noaa.gov>

December 18, 2002

U.S. Department of Commerce, NOAA

I do not think you should overturn the State of Ohio's ruling that the Barnes Nursery project to create a channel and huge dike in the wetlands area of Sheldon Marsh State Nature Preserve is not in compliance with Ohio's Coastal Consistency plan.

Barnes Nursery started digging this channel before it had permission from the Army Corps of Engineers, or permission from any divisions of the Ohio Department of Natural Resources. This channel has already damaged the Category III Wetlands of which Sheldon Marsh State Nature Preserve is a part, and Barnes Nursery must be made to make an effort to restore this area to its former condition.

Allowing Barnes Nursery to not restore this wetlands will set a precedent which could, and probably would, undermine all the wetland and coastal laws of the country.

I personally enjoy watching the birds that use this wetland as a food resource during migration. And as a possible nesting site for some endangered species, believe it must be preserved if at all possible.

Sincerely,

Kenneth Reed
42750 Smith Rd.
Wellington, OH 44090

Subject: Restore Sheldon Marsh

Resent-From: BarnesNursery.Comments@noaa.gov

Date: Wed, 18 Dec 2002 23:26:55 EST

From: <PDwight551@aol.com>

To: barnesnursery.comments@noaa.gov

CC: PDwight551@aol.com

Dear Molly Holt,

I am attaching a letter which I am also sending to you by regular mail.

I am opposed to the dike and channel in Sheldon Marsh and would like to see it restored to its pre-construction condition.

Thank you.

Patricia A. Dwight
3219 W. Cleveland Rd.
Huron, OH 44839

 Molly Holt letter.doc	Name: Molly Holt letter.doc Type: WINWORD File (application/msword) Encoding: base64 Download Status: Not downloaded with message
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*Patricia A. Dwight
3219 West Cleveland Road
Huron, Ohio 44839*

December 18, 2002

Molly Holt
U.S. Department of Commerce, NOAA
1305 East-West Highway, Room 6111
Silver Spring, MD 20910

Dear Ms. Holt,

As neighbors to the Barnes Nursery agribusiness, my husband and I have a strong interest in the restoration of Sheldon Marsh State Nature Preserve to its original condition. We have tried to steward our property of 29 acres in a manner consistent with its proximity to the Sheldon Marsh SNP. We have worked out a conservation easement of the northern 8.6 acres of our property with the state of Ohio. This is the portion which is adjacent to the Sheldon's SNP and part of the marsh. In the southern 15 acres we have planted over 8,000 hardwood trees and pines. We have done this in conjunction with state of Ohio foresters' plans in an effort to create a buffer to Sheldon's from encroaching development.

We have been deeply disappointed by the Barnes' dike and channel construction in Sheldon Marsh waters. This has been a blatant effort on their part to circumvent our wetland laws in place in order to further only their own business. In addition, it is not clear what the original intent of the channel and dike were, since they were created two and one-half times wider than the improper Army Corps of Engineers permit (NWP 27) allowed. The project purpose has changed at least twice, masterminded by an eager consultant and lawyer. Had the money paid to these individuals been used to properly research alternatives to water supply, Sheldon Marsh would likely be restored today, and Barnes might also have adequate water for the container farm.

The existence of this illegal project has gone on much too long. It now becomes your unfortunate responsibility to make right the convoluted situation that this has become. There is no doubt that the Barnes' dike and channel do not conform to the state of Ohio's Coastal Zone Management Program. I served two years on the Coastal Zone Advisory Council when our state was working on drafting this document. It was a long, long time in coming with many redrafts as you know. We are not sitting on the strongest coastal plan in the country, and yet Mr. Barnes' project was ruled "inconsistent" with our state's program. In all the documents which Barnes' consultant and lawyers have drafted, none have managed to change that fact.

There is no national interest served by this dike and channel remaining in place. Rather, the interest of the people of this nation in preserving a fine barrier beach lagoon in northern Ohio has been upended by this project. People from all over this country have and continue to come to this nature preserve. It has been designated an "Important Bird Area" by the National Audubon Society. The existence of this marsh preserve is threatened by the Barnes' channel that is filled with water even in dry times. The channel is clearly not only collecting upland runoff, but also acting as a sump, draining water from the rest of the marsh. A few more years of this and Sheldon Marsh SNP will cease to exist as in its former state. Those plants and animals dependent on hydric soils will have perished from the area.

The Ohio EPA has recommended denial of the 401 water quality permit which Barnes also needs for the Army Corps permit. Despite mounting evidence to the contrary, Barnes continues his appeals. Using the "provisional" permit that the Corps issued as justification for the project, is highly improper. The Ohio Attorney General stated that the Corps cannot issue a provisional permit when a State objection is pending

Alternatives for water supply do exist. Many have been suggested such as ponds, city water, use of free flowing water from the marsh in normal lake level years, or moving the container operations to a more favorable location since their business has outgrown its present location. Considering the amount of funds already expended to keep this dike and channel project in place, it is likely that Barnes Nursery has sufficient monetary resources to put toward acquiring alternative water source(s) on a continuing basis.

In short, the restoration of Sheldon Marsh to its pre-construction condition is the only way that the national interest can be served in this instance. Please help end this ongoing debacle that is threatening the life blood of our marsh. So many have worked so hard over the years to preserve this place. Many continue to do so. Comments have numbered in the thousands opposing this project. We need to stave off this current threat, and assure that this fine area will be here to be enjoyed by the generations to come.

Thank you

Sincerely,

Patricia A.

Subject: Construction

Resent-From: BarnesNursery.Comments@noaa.gov

Date: Wed, 18 Dec 2002 07:03:46 -0500

From: "Jim Frost" <jfrost@nls.net>

To: <barnesnursery.comments@noaa.gov>

There is far too little left of shoreline and inland waterway that has been left in the pristine condition of Sheldon Marsh. Commercial interests have to balance their interests against nature's. Please so not go forward with the dike and channel project that would jeopardize this wonderful area.

James A. Frost

Subject: Comments

Resent-From: BarnesNursery.Comments@noaa.gov

Date: Tue, 17 Dec 2002 09:06:54 -0500

From: Doreene Linzell <dlinzell@att.net>

To: barnesnursery.comments@noaa.gov

I am an avid birder and live in the Columbus, Ohio area. On my very first trip to Lake Erie about 14 years ago our first stop was [REDACTED] It was so productive for shorebirds and woodpeckers and [REDACTED] rs. I have spent many happy hours enjoying the birds in [REDACTED] though I have to drive over two hours to get there.

What the Barnes Nursery has done to the area is simply awful. All for Money????? To destroy such wonderful habitat is a crime

I am only hoping that the powers-to-be can force Mr. Barnes to restore the area to its original habitat.

Doreene Linzell
Westerville, OH

Subject: Sheldon Marsh, Barnes Nursery Comment
Resent-From: BarnesNursery.Comments@noaa.gov
Date: Tue, 17 Dec 2002 11:52:26 EST
From: <Pskherarts1@aol.com>
To: barnesnursery.comments@noaa.gov

Dear Ms. Holt:

Attached is my comment supporting the Ohio Department of Natural Resources denial of coastal consistency to the dike and channel project dug in Sheldon Marsh by Barnes Nursery. This project is not consistent with the CZMA, it holds no national interest and there are alternatives that would not harm the environment. A hard copy follows.

Pat Krebs
408 Kiwanis Ave.
Huron Ohio 44839

 NOAA Molly HoltIII.doc	Name: NOAA Molly HoltIII.doc Type: WINWORD File (application/msword) Encoding: base64 Download Status: Not downloaded with message
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Patricia S. Krebs
408 Kiwanis Avenue
Huron, Ohio 44839
419 433-2132

December 16, 2002

Molly Holt, Attorney-Advisor NOAA
Office of the Asst Gen Council for Ocean Services
1305 East-West Highway Room 6111
Silver Springs, MD 20910

RE: Barnes Nursery appeal, Sheldon Marsh, Ohio

Dear Ms. Holt:

Public comment has been allowed for input on the Barnes Nursery appeal of the Ohio Department of Natural Resources denial of Coastal Consistency regarding the dike and channel project dug in the Sheldon Marsh wetlands complex, July of 2000. I ask you to decide in favor of the State of Ohio's decision since this project is far from consistent with the policies of the Coastal Zone Management Plan (CZMP) now in effect to protect our nations coastal resources.

As a nearby landowner I was incensed when we first saw the construction in the marsh without prior knowledge. We were aware of construction on the neighboring property in the fall of 1999 and the spring of 2000 but never expected Sheldon Marsh State Nature Preserve was in danger. Our main reason for purchasing our 25 acres to the east of the Barnes project, was to protect the area and become a privately owned natural buffer to the nature preserve which surrounds us on two sides. We were further dismayed to find the wetlands laws in place to protect these few and rare coastal areas, (this one publically owned) were so easily circumvented. The part played in this project by the Buffalo District of the Army Corps of Engineers (ACE) was the most disturbing.

Information on how this construction could be permitted in a top quality category III wetland was initially referred by the ACE to a 45 day FOIA request as the dredging and fill continued in prime growing season. Applying pressure on the ACE, state agencies, legislators, and FOIA requests, produced information even more alarming. The Clean Water Act regulations did not allow this action in a category III wetlands and the ACE permit was not applicable. The channel was thirty feet wider than the erroneous permit allowed and matched the previously dug channel on the Barnes property, also without permits. This permit applied for one day and granted the next allowed no time for scrutiny. The information on the pre- construction meetings was scarce or lost on ACE computer files. The information re-written from recollections of the ACE field staff Gary Buck, was incorrect. Mr. Buck in a previous dredge and fill violation in 1992 in the same area and involving one of the permit partners, Charles Corso, enforced restoration having determined the area to be wetlands. Army Corps memos acquired through FOIA requests mentioned legal actions against citizens and asked US Fish and Wildlife to shred papers since they had decided to go with the NWP27, 12 days after it went into effect in Ohio. The Army Corps permit issued to CCCMB limited partnership did not have any signed authorizations from the partners until October 2000. One

partner, Cedar Point Inc., denied any participation. There has never been a coastal consistency agreement signed by Barnes and no other authorizations required on the improper ACE permit were ever sought until the after- the- fact 404 Permit application in March of 2001. All authorizing agencies have now recommended denial of this permit. The army Corps has advocated the applicant, perhaps to justify their errors, and continues to do so in their inappropriate issuance of a provisional 404 Permit while a State coastal consistency denial was under consideration. I also question the ACE discounting 1,200 public comments against this project.

Barnes Nursery's dike and channel project, under whatever name they have morphed it into, (deep water habitat and nesting islands, hydrology restoration or water storage for agricultural use) is not consistent with coastal plans for the environmental success of the habitat and ecosystem of Sheldon Marsh. The extensive adverse effects to the environment include water quality issues, plant and animal life changes, hydrology variances, sedimentation, turbidity and erosion problems, and disruption of the once naturally functioning filtration and marsh wetlands processes. An earthen wall, the dike, and a water wall, the channel has stopped the landward and lake ward free flow of waters. The deeper water creates habitat not previously existing in the marsh, inviting and fostering non-native invasive species. The fish spawning and aquatic life has been altered effecting commercial and sport fishing. The deeper channel also acts as a sump in low lake level times de-watering other areas of the marsh complex.

There is no national interest served by this business venture designed to benefit an individual's financial gain. Historically the water used without a restricting dike and channel was sufficient for the acreage used by the Nursery. Best Business practices for their growing interests must include stewardship of the lands and waters under their control and compliance with the laws in place to benefit every citizen's future interests. Alternatives do exist to supplement the nursery's water needs especially if used in combinations with the free flowing marsh, which existed before the dike and channel project. Restoration of Sheldon Marsh wetlands complex to its pre construction condition is essential to the survival of this area as the rare coastal ecosystem it is, special enough to be designated as a State Nature Preserve.

Please support the Ohio Department of Natural Resource's denial of coastal consistency and do not allow a precedent to be set with this bad project in the wrong place, which could undermine all wetlands protective laws in the nation.

Thank you for the opportunity to comment on this issue.
Sincerely,

Patricia S. Krebs
408 Kiwanis Avenue
Huron, Ohio 44839
419 433-2132
pskherarts1@aol.com

Subject: Sheltons Marsh

Resent-From: BarnesNursery.Comments@noaa.gov

Date: Tue, 17 Dec 2002 10:58:04 -0800

From: "Jacqueline D. Smith" <exprtgal@richnet.net>

To: barnesnursery.comments@noaa.gov

Please restore this area to its former conditions. It is up to us to
protect our environment for the future.

Thank you.

Larry & Jacqueline Smith

Subject: against Barnes Nursery wetlands project
Resent-From: BarnesNursery.Comments@noaa.gov
Date: Tue, 17 Dec 2002 18:33:04 -0500
From: "Barbara F. Gregory" <bfgregory@lrbcg.com>
To: <barnesnursery.comments@noaa.gov>

am very much opposed to the Barnes Nursery dike and channel/"water irrigation ditch". Many reasons:

1. It will have a very negative effect on the wetlands. Ditches are used for drainage. The ditch will drain some of the land near it and totally change the water flow.
2. They argue that they will substitute wetlands for wetlands. This was already done in the Sandusky east bay. The Pipe Creek wetlands were filled in. A man-made wetlands was created as a substitute. The wildlife are regularly trapped and killed because they burrow through the dike. This type of "wildlife preserve" doesn't work well and has already been proven to be a poor substitute in the Bay.
3. If you look at the aerial photos you will see a stream that flows through the marsh. This stream will be cut off by the dike.
4. The dike and channel will require regular maintenance by power equipment. It will need to be dredged yearly (possibly more if we have any violent storms) and areas of the dike rebuilt. The plans show the ditch as going next to the Willow Road. No allowance was made for the additional bank needed to keep the road from falling into the water. The channel and dike will necessarily encroach on a much larger section of the marsh than the drawings show.
5. The "irrigation ditch" will invite boaters into the marsh area. Power boats will pollute the shallow marsh water heavily which will have a negative effect on the wildlife.
6. The lake levels are still declining. To maintain water flow in the ditch will require a great deal of dredging much deeper than is currently planned. Lake Erie storms are extremely violent. The sandbar is a buffer for Willow Road and the marsh. As the lake level declines, more dredging will be required next to the sandbar to keep the water flowing into the "ditch". This may decrease the sandbar buffer.
7. Barnes hasn't followed the plans submitted for the work that he has already done and will not be able to follow the rest of the proposed "ditch" because of item #4.
8. The safety of Willow road will be affected. The "ditch" will be quite deep and right next to the road. Any cars driving off the road will go into deep water. The trees next to the road are frequently broken because of cars hitting them. Because of the winds blowing snow across the ice in the winter time, Willow Road can become very slippery. The deep water next to the road with few barriers endangers the people driving on Willow Road.

Barbara F. Gregory
1205 Cedar Point Roadway
Sandusky OH 44870

Subject: sheldon marsh

Resent-From: BarnesNursery.Comments@noaa.gov

Date: Tue, 17 Dec 2002 21:41:05 EST

From: <AFSTR@aol.com>

To: barnesnursery.comments@noaa.gov

My family has made several trips to this area. we have enjoy it's beauty. I am very concerned and upset about the channel that has been built. This channel will allow increased access for invasive species. As you are well aware these are very difficult to get ride of once they start. If the barnes nursery is not forced to return the marsh to it's preconstruction condition it will encourage other businesses to disregard laws and regulations that have been put in place to protect the environment. Please do not allow another Ohio natural area to be destroyed. the rate at which birds and other animals are disappearing in Ohio makes me wonder what will be left for my grandchildren to enjoy. it is our responsibility to preserve sheldon marsh and areas like it.