



December 3, 2002

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

RE: Coastal Consistency of Barnes Nursery Project, Huron, Ohio
 Response to Firelands Audubon/Friends of Sheldon Marsh (November 2002 Alert)

Dear Ms. Holt:

Barnes Nursery is a third generation, family owned business that has operated on the shore of East Sandusky Bay of Lake Erie for over 50 years. We located here in 1950 in order to obtain irrigation water for our nursery stock. The construction of harbor facilities and breakwalls at the port of Huron a few miles to the east has greatly altered shore processes, causing the starvation of sand along the barrier beach which forms the division between Lake Erie and our bay. Since these construction works were completed early in the last century, the barrier beach has been breached on several occasions and has migrated hundreds of feet into the bay filling the back-bay channel that once served as our source of irrigation water. (See Appendix A & B) Under a Nationwide Permit from the U.S. Army Corps of Engineers issued June 2000, we dug a channel on our property in an attempt to reestablish some of the natural water circulation that had been lost. It was later determined that an individual permit would be more appropriated for this project, which we obtained from the Corps of Engineers in December 2001, with the provision that the Ohio Department of Natural Resources agrees that the project is consistent with the state's coastal objectives.

The Ohio Department of Natural Resources denied our consistency without any formal communication regarding the project. We desperately need to keep our irrigation channel open in order to stay in business and keep up to 200 employees on the job, thus we have appealed this denial through your agency. The purpose of this letter is to address the state's concerns and those stated in a recent alert from Firelands Audubon/Friends of Sheldon Marsh (See Appendix C), and to demonstrate that our project is consistent with wise management practices of the Lake Erie coast.

The following are facts as opposed to emotional rhetoric, and are provided to show that the advantages this project provide outweigh any projected negative impacts on the Sheldon Marsh State Nature Preserve. With the conditions that the US Army Corps of Engineers (USACE) Provisional Permit requires (See Appendix D) and cooperative input from the State of Ohio, we will demonstrate that this project can live in harmony with the State Nature Preserve.

Rights and Due Process

The Barnes Project was constructed on PRIVATE PROPERTY adjacent to the Sheldon Marsh Nature Preserve. This property is NOT owned by the State or Federal Government.

The Barnes Project has been labeled an "illegal project" by those who oppose it. But in fact the project was begun under a Nationwide Permit granted and administered by the USACE. This permit was granted after 3 months of discussions and planning between the Corps and Barnes Nursery, as recognized in Corps documentation of the project, not a one day process as the opponents have charged. The Corps brought in a representative from the US Fish and Wildlife Service to provide input into the plan design. According to the Corps, prior to the permit being issued, the project was presented to a representative from the Ohio Department of Natural Resources (ODNR) as well as one from the Ohio EPA (OEPA).

After the project was underway the Corps requested that Barnes stop (due to objections from ODNR and OEPA), which we did immediately. Five months later the Corps determined that an Individual Permit would be a more appropriate permit for this project, and gave us the choice of restoring the area or applying for an Individual Permit. We chose the latter. The project then went through another permitting process, public hearing, an exhaustive environmental impact study (done by the Corps), a wetland delineation, Phase I Cultural Resource Investigation (see Enclosures), mitigation and finally was granted the Provisional Individual Permit.

The project's opponents have implied irregularities in the Barnes "north-south" intake channel, located on upland property owned by Barnes Nursery. (See Appendix E) This intake channel has been in place since the 1970's. Barnes widened the channel in 1999 as part of the nursery's efforts to improve the efficiencies of our irrigation system, making the system cleaner, quieter, and far more energy efficient. This activity was approved by the Corps on a prior use basis.

Addressing the "Adverse Coastal Effects"

Ohio EPA and Ohio Department of Natural Resources comments regarding the negative effects of the project frequently mention the following:

Plant species: The linear island will be a conduit for the spread of Phragmites (and other invasive species) into the marsh.

Barnes recognizes that Phragmites is a problem throughout this entire marshland area (actually, the entire North Coast area). In our Provisional Permit, one of the many requirements in our conditions is to control Phragmites, as well as a whole list of potential invasive plants. This control would be a great benefit to the wetland ecosystem, and be provided in the entire project area at no cost to the state. One highly recognized expert in the field of marshland plants commented that Phragmites are the greatest threat to the health of the Sheldon Marsh, and stated that the Barnes canal actually served as a barrier to the movement of Phragmites into the southwest end of Sheldon Marsh. During an August 23, 2002 site visit along the 2000' dike with several state agencies, perhaps a dozen purple loosestrife plants were observed and one small area of Phragmites. The restoration area at the project's far west end has been taken over by Phragmites. However that restoration area had been covered with Phragmites prior to the channel construction. The abutting state and private properties to the immediate north and south were also infested with the plant. Phragmites were in that area with or without our project.

Bird species: The islands will be a haven for the invasive Canada Geese and Seagull. These birds are known to destroy the nests of the Piping Plover, a bird on the federal registry of endangered species. The federal government has designated the barrier beach a potential nesting place for the Piping Plover. (Piping Plover have not been seen on the barrier beach in many decades.)

Barnes has agreed to implement best management practices to control the nesting of invasive birds on the project. Barnes is willing to contract with USDA, the regulating agency, to do this type of control. Canada Geese and various species of Seagull were all over this area prior to the construction of our project.

Fish: The deep water will be a haven for carp and other undesirable fish species.

Anyone living on East Sandusky Bay recognizes that Carp are the bay's number one fish inhabitants. Carp have been in this bay in large numbers soon after they were introduced to Lake Erie. Our project will not effect the Carp population of the Bay. The channel has brought water to south shore marshes and has enhanced the capability as spawning sites for more desirable species such as sunfish, croppies and large mouth bass. The bay frequently freezes to the bottom. Our deep water channel will provide a refuge for fish over winter when the rest of the bay is frozen.

Turbidity: The project has caused increased turbidity in the marsh which negatively effects plant, fish and bird life.

The bay area around the project averages about 0.7' in depth. The wave action in that body creates a constant turbidity throughout the west end of the marsh due to the fetch of the wind imparting energy to the open water. During their spawning season, the carp are so thick they are solid across the bay. Their frenzied movements create a mud bath for almost 8 weeks. Our project did create temporary turbidity in the water during construction, but following its settling the turbidity caused by the project has been minimal. Because the project was halted, Barnes was prevented from planting the islands with a selection of wetland species that would further prevent any continued erosion of the islands. The natural seedbank has provided excellent, diverse vegetation for erosion control. However, the additional plantings planned for the islands will further insure protection from turbidity caused by erosion. The establishment of plants along the shoreline of the dike have held the bank in place. (See Appendix F)

A walk along the shoreline between the island dike and the Sheldon Marsh shows no differentiation between the shoreline aquatic plants on the project and the undisturbed areas. Jim Bissel, wetland plant expert from Cleveland's Museum of Natural History, inventoried the wetland plants on the dike and the newly vegetated wetland coast. (See Appendix G).

Many additional statements have been made that this project has or may cause environmental degradation to the marsh. In fact, the opposite has occurred:

- Over the past 30 years the deterioration of the barrier beach, the breach, and increased wind fetch caused by the open water condition that is found at the western end of the marsh have created conditions unfavorable to the establishment of marsh plants along the Barnes Nursery shoreline. (See Appendix H) Shoreline marsh plants serve as natural filters for the southern upland runoff waters that drain to the north and enter the marsh ecosystem. The project, as it now stands, has resulted in the establishment of 5 acres of newly vegetated coastal wetlands creating increased filtration for any runoff. (See Appendix I & J)

- Barnes nursery has operated a nursery in this location for 52 years. There have been no observed or otherwise indicated adverse conditions that have been shown in the East Sandusky Bay as a result of our agricultural practices, as our opponents have alluded to in their "Alert". Barnes employs IPM (integrated pest management) to control insects and disease in its inventory and container operation. In the public notice for our OEPA 401 Water Certification Hearing, the OEPA stated their concern was not chemical pollution. (See Appendix K)

- The "dike" (created by the spoils, comprised of mostly silt), protects the channel from in filling, and also creates a quiescent lagoon landward of the channel where a new marsh has been

established. (See Appendix L) The dike has never been intended to hold water in the channel. This dike is actually an island with openings at both ends that allow the free flow of water in and out of the channel. **The dike when completed, is designed to be five islands with six 50' openings between.** The formation of the islands will improve the water circulation, and certainly will not cause negative effects on the water circulation of the bay. The islands can provide nesting and resting areas for water fowl with proper planting. Included is a transcript from the Great Lakes Radio Consortium's Jonathan Ahl on the debate over manmade islands presented November 25, 2002. (See Appendix L-2) East Sandusky Bay used to be full of islands and channels. That is when the fish, birds and marsh wildlife were thriving. The vegetated islands would provide additional protection from views of future development in the upland areas just south of the State Nature Preserve.

- Barnes use of water from the East Sandusky Bay in no way depletes water to the rest of the marshland, unless someone can show how the water would drain uphill. The Barnes shoreline is upland from the marsh. The only time our channel is filled is when the lake water fills the marsh either by the lake level rising or by wind action pushing water into the bay. Barnes can not draw water off the marsh if the water is not in the channel, and the channel can not be filled without the entire marsh filling with lake water. When the water recedes the channel serves as a 7 day reservoir.

- Barnes Nursery uses 350,000 gallons of water a day during our growing season—never 600,000 as the opponents have thrown out. Much of this water is recycled back into the Bay. This number has remained consistent over the past 3 years, even through the heat and drought of 2002. Barnes Nursery is a registered water withdrawal facility. In the enclosure section we have included the 2001 Water Withdrawal Facility Registration Facility Report. Agriculture uses less than 0.4% of the total water directly withdrawn from Lake Erie.

- The Barnes project is similar to many projects done by the Ohio Department of Natural Resources, Division of Wildlife, to restore fish and birds to marsh areas. (Magee Marsh State Wildlife Area, Ottawa County; Metzger Marsh State Wildlife Area, Lucas County) Sheldon Marsh falls under the Division of Natural Areas and Preserves, which seeks to protect the marsh in as natural a state as possible without the intervention of improvement measures that seek to correct what may be seen as negative changes in the system.

- Opponents claim that Sheldon's Marsh is the ONLY undiked marsh remaining in Ohio. Aerial photography shows otherwise. Note that the first dike was the Cedar Point Road built about 1919 after the original road built along the barrier beach washed out in a storm. (See Appendix M) The second dike was constructed by the Federal Government as their access road across the marsh to construct and operate the water intake and pump house for the Munitions Plant (now NASA) built prior to World War II. (See Appendix N) This dike stopped the natural movement of water from east to west. The Appendix N photo also shows that in 1970 several dikes could be found in East Sandusky Bay, constructed to prevent the movement of water in and out. These dikes no longer exist.

- The opponents noted in their "Alert" that "...Birders have recently observed hunters on the dike with decoys in the Sheldon Marsh Nature Preserve waters." This is **partially** correct. While hunters do use the privately owned marsh and have for the 52 years we have owned it, and many years prior, their decoys and hunting are limited to private property. Barnes owns land into the water north of the dike at the east end of the project. This is where the decoys have been spotted. The hunters are very aware of the property line and the rules. F Y I—the entire East Sandusky Bay was owned by a hunting and fishing club prior to it being acquired by Wildlife Realty who sold the property to the State of Ohio.

Alternative Sources of Water

A number of alternative sources of irrigation water have been suggested by various groups and each potential source has been thoroughly investigated by Barnes Nursery. We have outlined the results of our research below:

Deep wells. In 1983 Barnes nursery attempted to drill a well field under contract with Tibbles Water Well Co., a well-respecting water-well drilling firm in north central Ohio. Three wells were drilled to a depth of 250 feet, each producing only a trace of water and sulfur gas from the shale bedrock (well records on file with the Ohio Department of Natural Resources, Division of Water). At the time, Tibbles indicated that their experience in the area showed that water wells in the vicinity of the nursery yield only a modest amount of hard, mineral-laden water.

In considering even deeper well wells, we consulted the Ohio Department of Natural Resources, Division of Geological Survey Bulletin No. 44, *Geology of Water in Ohio*. This report states for Huron, Ohio: *"The underlying rocks are the hard, fissile shales of the Huron member of the Ohio formation. These shales are practically devoid of water, and the underlying Delaware and Columbus limestones yield only small supplies. All deep tests encounter sulfur and then brine."* Although some groundwater may be available from deep wells, the high salt content would preclude its use for nursery stock irrigation. The report further states for water supply possibilities, *"The chief resources are the Huron River and Lake Erie."* The Huron River flows into Lake Erie about 5 miles east of the nursery, thus it is not a practical source of water, however, the nursery fronts on a bay of Lake Erie. The report notes that "water in large quantities is indispensable" for "support of soil moisture for plant growth" and "irrigation", thus, using Lake Erie water at Huron, Ohio as a water supply source is consistent with the published recommendation of the Ohio Department of Natural Resources.

Ponds. Barnes Nursery constructed a 1 acre upground irrigation pond near the Garden Center in 1983. The pond has a capacity to supply 3 to 4 days of water irrigation needs during peak times. This pond serves as an emergency back-up system for periods of low lake levels. Goundwater is insufficient to allow this pond, or future additional ones, to garner enough water to irrigate the nursery stock for more than a few days. To fill a pond reservoir, water would still need to be pumped from East Sandusky Bay, necessitating the existing channel project.

Direct Pumping from East Sandusky Bay. This alternative consists of the method used to obtain water prior to 2000, before the construction of the channel. The channel project was constructed because infilling by the southward migration of the barrier beach had destroyed the old "Black Channel" which once supplied water to southern shore of the bay. Lower lake levels, coupled with the infilling, necessitated the project to collect water at the bay's southern shore where the irrigation system intake is located. Direct pumping is not feasible without access to the water supply the channel now provides. The channel was constructed on the northern boundary of the nursery property and the intake can not be extended farther to the north without the permission of the Ohio Department of Natural Resources, owner of the property to the north. (According to ODNR officials state law prohibits any pipelines into, across or under any State Nature Preserve.)

Relocation of Stock to Catawba Island. Barnes Nursery operates a garden center on Catawba Island about 25 miles northwest of our Huron, Ohio nursery. The 1.5-acre Catawba Island facility is leased from other owners as retail outlet with no space for the 15 acres of irrigated plants at our Huron nursery. The area surrounding the Catawba Island facility is being developed as home sites and additional area is not available to rent for nursery use. The Catawba Island facility is located near an embayment of Lake Erie (West Harbor), which would is its primary source of irrigation water.

Purchase of County Water. In addition to pumping irrigation water from East Sandusky Bay, Barnes Nursery already purchases significant amounts of water from the Erie County Department of Environmental Services to irrigate fields to the south of the Garden Center. An inquiry was made to the Erie County Sanitary Engineer as to the availability of County water to replace the 350,000 gallons/day now being pumped from the bay. The County would be able to guarantee supply of the water with the following caveats: (1) one time pipeline charge of \$400,000, (2) monthly charges estimated at \$53,340 for the year 2003, (3) dechlorination system of \$20,000, (4) County recommends that some source other than drinking water be used for irrigation purposes (Jack R. Meyers, P.E, Erie County Sanitary Engineer, personal communication, May 23, 2001). Barnes could not count on the public water supply that now passes the nursery for water during periods of water rationing, which occur from time to time.

Other Options. Several other water source options were also explored, including the nearby NASA water intake and pumping system, an underground pipeline to Lake Erie, and an above ground pipeline and intake to the Cedar Point causeway bridge. These options have been discussed with State of Ohio and Federal officials and have been deemed not to be practical from both technical and economical standpoints. In each case we are inevitably returned to the same conclusion—Lake Erie is the most practical and environmentally sound source of irrigation water for our nursery.

Water Conservation. We have instituted a number of water conservation efforts to reduce our irrigation water requirements. In 1998 Barnes Nursery began to examine energy costs and efficiencies of a pumping system that had been in place for several decades and that involved numerous steps in getting water to nursery plants. Barnes Nursery recognized that throughout hot and dry weather periods the aging system was inadequate, and furthermore if it broke down there was no back up system. In 1999 it was determined that by creating a wider intake channel (approved on a prior use basis by Buffalo District, U.S. Army Corps of Engineers) and installing a new pumping system Barnes Nursery could eliminate many costly inefficiencies in its irrigation practices and create a quieter, cleaner, and more environmentally appropriate system. The new system included a tile drain network that recovers and recycles at least 60% of the water pumped from East Sandusky Bay. Water use is continuously monitored and controlled at 46 zones to best conserve its use. The new system was installed at a cost of \$175,000. Other recent water conservation efforts included a conversion from using wood chips to cover root balls to using pea gravel. Because gravel does not absorb water to the extent that wood chips do, more water is recycled. Barnes Nursery is also experimenting with other materials that have stronger water holding capacities.

How does this project benefit the “national interest”?

It is difficult for our family to explain the impact this project has on the “national interest”, when it is being done by a private company, on its private land, in order to enable it to continue to provide its owners and employees jobs and benefits. We are not promising that this project will allow us to hire more people immediately. It will, however, help to retain the up to 200 jobs we provide during our growing season. But our business is not an island and does not operate in a vacuum by itself.

Barnes Nursery’s success has not come without work, effort and sacrifice on the part of our family and our employees. Like most Americans we work long, hard hours. We maintain a top quality work force and are proud of their longevity with the company. We provide many benefits outside their paycheck. We meet our financial obligations to hundreds of vendors, have a payroll of \$3,400,000, and pay \$1,000,000 a year in a variety of local, state and federal taxes. In a letter to the Ohio EPA, the Erie County Chamber of Commerce explained the economic impact of a company our size on the community. (See Appendix P)

Barnes Nursery has been an active member of the Huron and Erie County Community for fifty two years. Our family as well as our employees have been involved in a variety of activities from being active in numerous professional associations to contributions to our area schools, Chambers of

Commerce (Huron, Sandusky, Norwalk, Port Clinton), Athletic Boosters, Historical Societies, United Way (and many of their member agencies), Rotary, Lions, and a host of others too numerous to name. Over the years we have been proud and privileged to support the efforts of the community to better the quality of life in our area. Through donations of our time, labor, plants, money and more, we strive to be an integral part and fiber of our community and nation.

Barnes provides not only opportunities for professional careers in design, sales and horticulture, but equally as important, serves as a training ground for many who have fallen through the cracks of the educational system. We teach skills and work ethics that are frequently overlooked in our traditional schooling. We have taken MANY who have been "down on their luck" and turned their lives around. We provide opportunity and hope for those who are ready for an opportunity.

In the fast pace of today's marketplace, Barnes has continually redefined our niche and areas for development, as staying the same is certain death. Throughout the early 1990's we were able to slowly expand our "production growing" area because of the size of our home farm (100 acres) and its natural access to water. In our concern for best environmental practices, we opened and successfully operate a Regional Composting Facility to recycle yard debris generated from our business as well as organic materials generated by our surrounding communities. We continue to grow our production fields, where Barnes is currently cultivating over 3 million trees and plants. (These fields are irrigated with County water on a drip system). Our competitive edge is based on our remarkable inventory being on site for retail, landscape and wholesale sales. This is 75% of our sales. Without being able to maintain this inventory Barnes Nursery will face certain cutbacks and the redirection of our land use and company.

Prior to the implementation of the channel, the company would watch the wind direction daily to assure that when water was blown into the bay we were pumping to the holding pond. With lake levels fluctuating, and predicted to be going to all time lows, and with an excess of a million dollars in inventory, we could no longer depend on wind direction to assure the health of our plants—our future. We constructed the channel in preparation for the low water predictions, and they came true.

Our company believes that our agreement to place 32 acres of prime coastal property (both marsh and upland) into a permanent conservation easement, held by a third party agreeable to the Corps, is in the best national interest. (Refer to Appendix E) This easement will give the public permanent protection from the future potential of development in that area.

Conclusions:

From the time this project was halted the opponents have painted the picture of environmental disaster from coast to coast. EVERY EXPERT, both paid and not paid, that has visited the site to evaluate the project's "impact" has said that our biggest problem is the perception that the opponents have created to the public. These opponents began with the message we had constructed this through the middle of a State Nature Preserve, then said we were building a marina and casino project and from there it goes on. We have been accused of "outgrowing" our location. We have been accused of using too much water. Opponents have bullied experts who have wanted to look at the project logically. Opponents have fed inaccurate numbers regarding our company's incomes, rights to water use, the permitting process and more to the media. We have had several experts who wanted to comment but have opted not to get involved for fear of reprisals from our state agencies, for whom they frequently work.

In the opponents "Alert", they have asked their friends to urge the "...restoration to the original condition of Sheldon Marsh wetlands complex." What, we ask, is the "original condition"? Since the State of Ohio took control of this pristine area, and renamed the South East portion Sheldon Marsh, the area has undergone 30 years of progressive deterioration of the barrier beach, which had protected a true, pristine coastal marsh. (Note that in March 2001, the Ohio Department of Natural

Resources finally requested that the US Army Corps of Engineers study ways to stop the erosion of the barrier beach that protects our coastal marsh. See Appendix Q)

Ever since the permanent opening in the barrier beach at Point Retreat Condominiums, changes in the west end of the Sheldon Marsh area have been drastic. The quiet waters energized with the movement of water in and out the breach. The north end of the Barnes property used to be full of marshland plants, snakes, muskrats, turtles and other natural marsh creatures in numbers so great that trapping was common. Over the years those numbers have drastically reduced. Our project has caused an increase in vegetation and no loss of birds or fish to the area. Phragmites and other invasive plants do continue to advance throughout the entire marsh area. But, Barnes has agreed to do Phragmites and other invasive control throughout the entire project area for a minimum of ten years.

The location of our project is a totally different area than what the visitors to Sheldon's Marsh observe on the east end of the bay. The far east end is in the most protected area, set away from the effects of the wind's fetch and opening in the barrier beach. Our project has created a new marsh in the quiescent waters landward, which has not had any negative effect the State Nature Preserve. And the islands would further provide the State Nature Preserve an additional natural barrier from any future development in the uplands to the south of the project area

In the fast pace of today's marketplace, Barnes has continually redefined our niche and areas for development, as staying the same is certain death. Throughout the early 1990's we were able to slowly expand our "production growing" area because of the size of our home farm (100 acres) and its natural access to water. In our concern for best environmental practices, we opened and successfully operate a Regional Composting Facility to recycle yard debris generated from our business as well as organic materials generated by our surrounding communities. We continue to grow our production fields, where Barnes is currently cultivating over 3 million trees and plants. (These fields are irrigated with County water on a drip system). Our competitive edge is based on inventory on site for retail, landscape and wholesale sales. This is 75% of our sales.

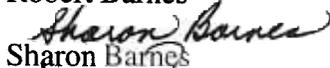
Access to the water in East Sandusky Bay is imperative to our company's future. The issue of water has only been exaggerated by the lower lake levels coupled with the lack of the natural channels that existed in the marsh before the deterioration of the barrier beach. Without being able to count on the lake water that we have used for 52 years, our company is faced with a questionable future.

In closing, we extend an open invitation for you and all of your team to visit the site in person, at your convenience, and see our project as well as the entire Sheldon Marsh Area. We are certain that an onsite inspection will give your group a much clearer picture of the project and the positive impact it has had on the entire marsh ecosystem.

Most sincerely,



Robert Barnes



Sharon Barnes



Jarret Barnes

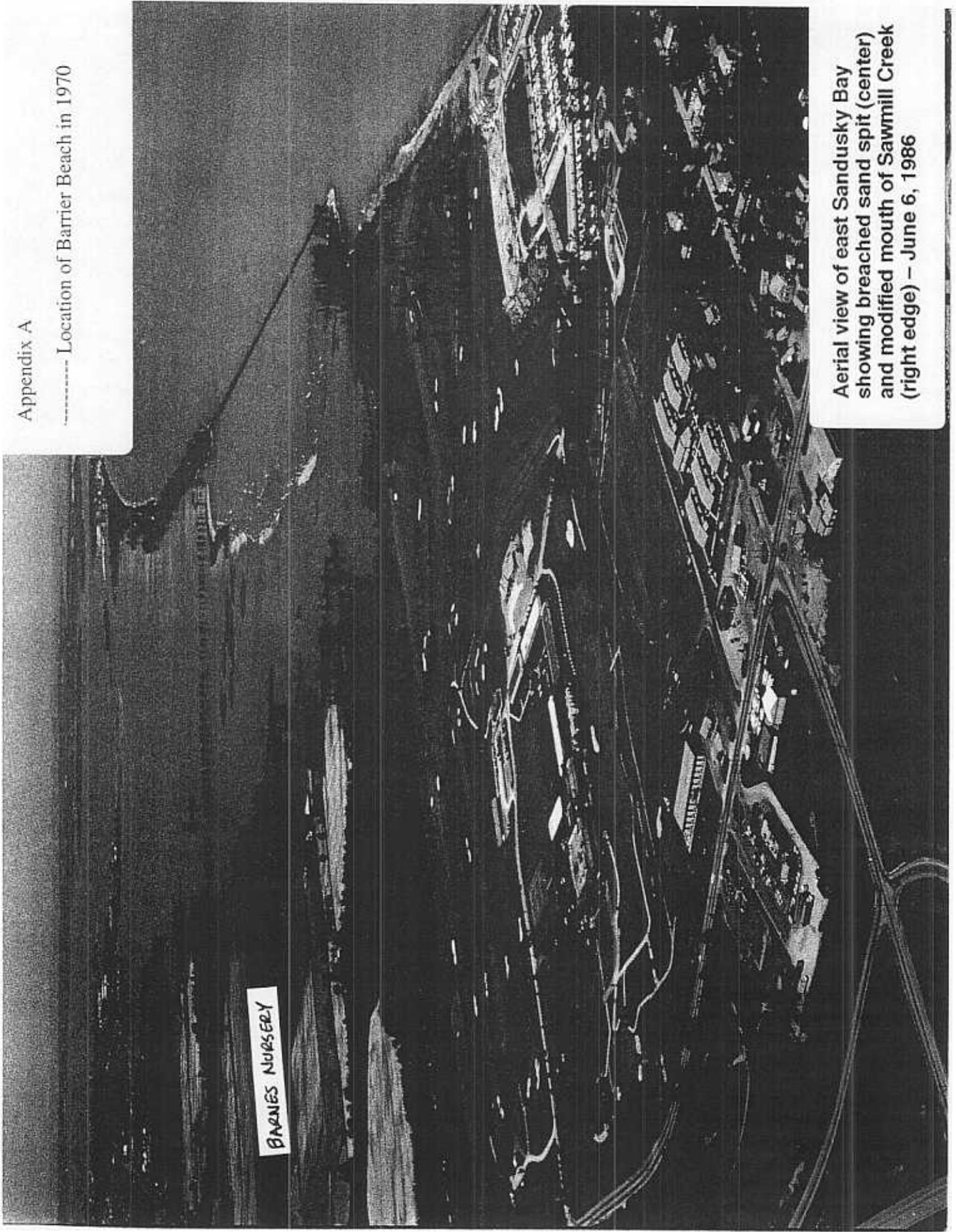


Julie Barnes Foster
Barnes Nursery, Inc.

See Enclosures

Appendix A

----- Location of Barrier Beach in 1970



Aerial view of east Sandusky Bay showing breached sand spit (center) and modified mouth of Sawmill Creek (right edge) - June 6, 1986

Appendix B

Current Location of the Barrier Beach. The Corps has agreed to study various methods to prevent further deterioration of this Barrier Beach.



BARNES NURSERY

Aerial view of east Sandusky Bay, view toward NW, Sep. 24, 1989.

Firelands Audubon Friends of Sheldon Marsh

November 2002 ALERT

Issue: Public Comment Period to NOAA **supporting the State of Ohio's denial** of Coastal Consistency of the Barnes Nursery project (dike and channel) dug in Sheldon Marsh wetland complex in July of 2000. Barnes has appealed this denial to the federal government.

Comment Period: October 23 to Decem **Appendix C**

Write comments to: Molly Holt, U.S. De
Highway, Room 6111, Silver Spring, MD,

This "Alert" has gone out nationwide, across the web. 99% of the responders will have never seen this project, and have been given inaccurate information

Comments should be focused on the re
must be consistent with the objectives or purposes of the Coastal Zone Management Act (CZMA) and satisfy the following three requirements:

1. The activity furthers the national interest in a significant or substantial way.
2. The national interest furthered by the activity outweighs the projects adverse coastal effects, when those effects are considered separately or cumulatively.
3. There is no reasonable alternative available which would permit the activity to go forward in a consistent manner with the management program.

Possible ways of addressing the above requirements in writing your letter:

- 1 **The rights and due process of the law were denied to the people of Ohio, which does not further the national interest.**
 - The citizens of Ohio own Sheldon Marsh State Nature Preserve which is adjacent to this illegal project.
 - Barnes Nursery did not notify any adjoining property owners.
 - Barnes circumvented the required authorizing State agencies, comments, and permits specifically required on the original Army Corps of Engineers (ACE) permit.
 - Barnes 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.
 - The original erroneous ACE permit was applied for one day and granted the next, allowing no time for scrutiny.
 - Construction of the north-south channel on Barnes property was planned and built well in advance of the improper Army permit for the east-west channel. It has no permits on record from the ACE or any state agency, thus making it also inconsistent with Ohio's Coastal Zone Management Plan (CZMP).
- 2 **Note the many adverse coastal effects this project has and will continue to create.**
 - The artificial dike of dirt and deep water channel creates a double wall, which alters the natural function of the previously free flowing marsh ecosystem. The hydrology has been altered.

- The Ohio Attorney General who represents the ODNR in this denial appeal, states the Army Corps cannot issue a provisional permit when a State objection is pending.
- The use of this provisional ACE permit by Barnes to justify their project is unfounded, and the appeal to NOAA should be dismissed thus nullifying the after-the-fact Army Corps 404 permit to keep the already constructed illegal project.
- The physical fact of the dike and channel in place in a top quality wetlands, speaks for itself (see picture over). This bad project in the wrong place cannot be justified, rationalized, negotiated or authorized. It is inconsistent with our management plans, State and Federal.
- Restoration to the original condition of Sheldon Marsh wetlands complex is the only option to bring this area into consistency with Ohio's coastal management plan.

When writing NOAA, if you have an area of personal expertise or interest, please feel free to use it, e.g., a dragonfly enthusiast may find disturbance of the aquatic habitat harmful to the larva and reduce future populations. Plant experts may find the dike area encourages invasive species. Fisheries experts may object to the change in natural hydrology of the restricting dike, which affects spawning and fish numbers and thus the sport fishing industry. Birders have recently observed hunters on the dike with decoys in the Sheldon Marsh State Nature Preserve waters. This activity disrupts bird sightings, encroaches on endangered species habitat, and disturbs protected bird migration flyways.

Please **note again** your own reasons that this dike and channel in a top rated category III wetland **is not a benefit to the national interest.** The many letters to the Army Corps and the Ohio EPA have been outstanding. Resend your letters to NOAA addressing comments to the failure of the project to further the national interest.

Thanks to all of you who have written letters in the past, and who have made comments at the public hearings. With this public interest so strong, the issues are not being forgotten or glossed over, although it has taken an uncommonly long time to resolve the issue. We have attracted national attention to the misuse and abuse of the Army Corps permitting procedures, and have held accountable the state and federal agencies whose mission it is to enforce and regulate the laws given to them by our legislators. Although all permitting state and federal agencies have recommended denial of this project permit, the appeals and procedures are eating away at the wetland as the dike and channel remain in place. Our lawyer, Peter Precario, is representing the interests of Firelands Audubon in our effort to conserve natural areas, and your participation is vital to our end result, **the restoration of Sheldon Marsh to its original, pre-construction condition.**

If you have not already become a member of Friends of Sheldon Marsh or donated to our efforts, we always welcome you. Send donations to: Firelands Audubon, PO Box 967, Sandusky OH, 44870-0967. Check our website at: www.sheldonsmarsh.org and thank you,

Pat Krebs and Pat Dwight, co chairs, FOSM

Pat Krebs *Pat Dwight*

SPECIAL CONDITIONS:

1. The permittee shall assume all responsibility for complying with all Special Conditions.
2. That prior to commencing the authorized work you must notify the District Commander of the dates you intend to commence the project. You must also provide notification of the date of completion.
3. That you are responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.
4. That this permit does not authorize the discharge of dredged or fill material into East Sandusky Bay, for the purpose of creating temporary structures that include but are not limited to groins, cofferdams, work pads, laydown areas, and access roads.
5. That no in-water work will be performed between April 15 and August 15 to preclude adverse impacts on the spawning, nursery, and feeding activities of indigenous fish species without first obtaining Department of the Army authorization.
6. That no mechanized work will be performed between June 15 and October 31 to preclude adverse impacts on the activities of fledgling bald eagles (*Haliaeetus leucocephalus*). A visual survey for fledgling eagles shall be performed prior to any mechanized operations. Mr. Charles Herdendorf (or a qualified designated agent) will conduct these surveys daily while mechanized operations are ongoing. All activities shall immediately be halted if any fledgling eagles are observed and you should contact Ms. Megan Sullivan of the U.S. Fish and Wildlife Service at 614-469-6923 for further direction.
7. Sheldon Marsh has been proposed as critical habitat for the piping plover (*Charadrius melodus*), a Federally listed endangered species. Activities disturbing the natural behavior of piping plovers may constitute a "take" under the Endangered Species Act. Therefore, a visual survey for piping plovers shall be performed prior to any excavating and grading operations. Mr. Charles Herdendorf (or a qualified designated agent) will conduct these surveys daily while excavating and grading operations are ongoing. All activities shall immediately be halted if any piping plovers are observed and you should contact Ms. Megan Sullivan of the U.S. Fish and Wildlife Service at 614-469-6923 for further direction.
8. That any dredged or excavated material (not used as backfill) removed from East Sandusky Bay shall be properly disposed of on an upland site and maintained to prevent erosion and other non-point sources of pollution. All excess dredged or excavated material shall be disposed of at an upland disposal site approved by the Corps of Engineers.

Appendix D

The US Army Corps Conditions that Barnes has agreed to do to keep the project.

SPECIAL CONDITIONS CONTINUED:

9. That prior to any excavating, grading, or plowing in waters of the United States as authorized by this permit, you shall install and maintain erosion and sedimentation controls between the project area and the undisturbed areas of mudflat and/or open water habitat to prevent sedimentation into the mudflat and/or open water habitat.

10. All erosion and sediment control practices shall be checked daily to ensure they are not damaged and that they are functioning properly. If damaged, repairs will be completed by the next day. All sediment and erosion control practices shall remain in place until construction is completed and the area is stabilized.

11. Disturbance to the bed and banks of the channel shall be kept to the minimum necessary to complete the project.

12. Dredging operations shall be strictly controlled to minimize spillage and re-suspension of bottom sediment.

13. That as partial mitigation for the loss of waters of the United States, including the permanent loss of approximately 0.02 acre of wetlands, the temporary loss of approximately 0.5 acre of wetlands, and the permanent loss of approximately 4.2 acres of open water and mudflat habitat, you have agreed to **create** approximately 0.5 acre of wetland fringe habitat on 5 islands (as shown on the attached drawings). This area is designated as the Creation Area. You have agreed to use soil bioengineering techniques to stabilize the Creation Area. A soil bioengineering plan must be submitted and approved by the Corps prior to commencement of any construction activities.

14. That as partial mitigation for the loss of waters of the United States, including the permanent loss of approximately 0.02 acre of wetlands, the temporary loss of approximately 0.5 acre of wetlands, and the permanent loss of approximately 4.2 acres of open water and mudflat habitat, you have agreed to **preserve** approximately 34 acres of Federal wetlands and associated upland buffer in a Conservation Easement to be held by a third party (as shown on the attached drawings). This area is designated as the Preservation Area. The conservation easement shall be subject to the following conditions:

a. The conservation easement shall contain language that specifies the acreage of the Conservation Area, and protects and preserves the Conservation Area as perpetual, undeveloped wetlands and upland buffer. The easement shall specifically state that neither the wetland areas nor any upland buffer areas within the easement may be encroached upon by residential or other buildings, roadways, bridges or other structures.

b. The permittee shall designate a third party to hold and enforce the Conservation Easement, subject to written approval from the U.S. Army Corps of Engineers.

SPECIAL CONDITIONS CONTINUED:

c. A draft copy of the Conservation Easement must be submitted to this office within 180 days after validation of this permit. A copy of the executed conservation easement must be submitted within 180 days of commencing construction activities.

15. That as partial mitigation for the loss of waters of the United States including the permanent loss of approximately 0.02 acre of wetlands, the temporary loss of approximately 0.5 acre of wetlands, and the permanent loss of approximately 4.2 acres of open water and mudflat habitat, you have agreed to **enhance** all habitat within the Preservation Area by substantially reducing the presence of *Phragmites spp.* to established criteria over a ten year period.

16. That as partial mitigation for the loss of waters of the United States including the permanent loss of approximately 0.02 acre of wetlands, the temporary loss of approximately 0.5 acre of wetlands, and the permanent loss of approximately 4.2 acres of open water and mudflat habitat, you have agreed to **restore** approximately 0.5 acre of Federal wetlands that were impacted by the placement of fill and achieve the performance criteria described below (Special Condition Nos. 26-28). You completed activities to return this area to pre-construction grade on April 18, 2001. This area is designated as the Restoration Area.

17. That the Creation, Restoration and Preservation Areas are collectively designated as the Mitigation Area.

18. There shall be no construction or placing of buildings, camping accommodations or mobile homes, fences, signs, billboards or other advertising material, or other structures within the limits of the designated Mitigation Area without first obtaining Department of the Army authorization.

19. The permittee shall take all appropriate and reasonable measures to ensure that there shall be no filling, excavating, dredging, mining or drilling, removal of topsoil, sand, gravel, rock, minerals, or other materials, nor any building of roads or change in the topography of the land in any manner within the designated Mitigation Area without first obtaining Department of the Army authorization.

20. The permittee shall take all appropriate and reasonable measures to ensure that there shall be no removal, destruction, or cutting of non-invasive, native vegetation, spraying with herbicides, grazing of domestic animals, or disturbance or manipulation of the designated Mitigation Area without first obtaining Department of the Army authorization.

21. That at the request of an authorized representative of the Buffalo District, U.S. Army Corps of Engineers, you shall ensure access to the project site and the mitigation parcels to determine compliance with the conditions of this permit.

SPECIAL CONDITIONS CONTINUED:

22. That you shall monitor the success of plant management within the designated Mitigation Area twice annually (April 15 - May 15 and September 1 - September 30), so as to characterize the dominant vegetation in the designated Mitigation Area at different times, and under different hydrological conditions, during the growing season.

23. That you shall monitor the sedimentation and erosion of the project site (islands and channels) once annually, with at least 6 months in between each sampling, so as to characterize the erosion and sedimentation in these areas. Monitoring reports shall include plan view drawings of the islands and channels drawn to scale, and a series of photographs showing all islands and the area landward (south) of the channel. Photographs must be taken from the same location each year. Monitoring reports shall also include typical profile drawings of:

- a. the islands and channel taken at the midpoint of each island.
- b. the channel taken between the islands.
- c. the feeder channel taken near each end point and the midpoint.

24. That Monitoring Reports for the creation, restoration and project areas shall be forwarded to the Buffalo District, U.S. Army Corps of Engineers, according to the following protocol:

a. Baseline Report: Due on or before December 31 in the year of completion of all construction activities. The Baseline report must include an "as-built" topographic and hydrographic survey of the project area (feeder channel, main channel, and islands). [Note: for purposes of Special Condition No. 24, "all construction activities" means all activities associated with site preparation, excavation, plowing, grading, soil bioengineering, and the removal of any existing structures and/or fills.]

b. First Year Report: Due on or before December 31 in the year of the first anniversary of completion of all construction activities. The first year report must include the data collected from annual monitoring required in Special Condition Nos. 22 and 23, and a report documenting the plant management techniques used to reduce the presence of Phragmites within the designated Mitigation Area.

c. Mid-term Reports: Due on or before December 31 in the year of the third, fifth, and seventh anniversary of completion of all mitigation construction activities. The Mid-term Reports must include the data collected from annual monitoring required in Special Condition Nos. 22 and 23, and a report documenting the plant management techniques used to reduce

SPECIAL CONDITIONS CONTINUED:

the presence of Phragmites within the designated Mitigation Area. The mid-term reports must also describe any potential problems with achieving the performance criteria described below (Special Condition Nos. 26-28), and any and all corrective actions taken. Corrective actions may include, but are not limited to: re-grading to achieve necessary hydrology or slope, planting of hydrophytic vegetation, and control of invasive plant species.

d. Final Report: Due on or before December 31 in the year of the tenth anniversary of completion of all construction activities. The Final Report must include the data collected from annual monitoring required in Special Condition Nos. 22 and 23, and a report documenting the plant management techniques used to reduce the presence of Phragmites within the designated Mitigation Area. The Final Report must include a discussion of whether the performance criteria were achieved and any further recommendations for remedial measures, if necessary.

25. If the mitigation monitoring reports and/or Conservation Easement draft and/or copy of the executed conservation easement required under these conditions are not submitted by the specified dates, unless a time extension is approved in writing by the Corps of Engineers, the permittee shall pay stipulated penalties in the amount of \$100.00 per day for each day past the submittal date. Such funds shall be submitted by check made payable to "The Finance and Accounting Officer," and forwarded directly to the Office of Counsel, U.S. Army Corps of Engineers, Buffalo District, 1776 Niagara Street, Buffalo, New York 14207-3199.

26. That the following species shall be excluded from all project planting and landscaping within 100 feet of the project area and preservation area:

-Herbs:

Alliaria petiolata
Glyceria maxima
Lythrum salicaria
Phalaris arundinacea
Phragmites spp.
Polygonum cuspidatum
Typha latifolia, T. angustifolia, T. x glauca
Echinochloa crusgalli

-Woody Plants:

Eleagnus angustifolia
Lonicera tatarica, L. morrowii, L. xylosteum
Populus alba
Rhamnus cathartica, R. frangula
Rosa multiflora
Solanum dulcamera

SPECIAL CONDITIONS CONTINUED:

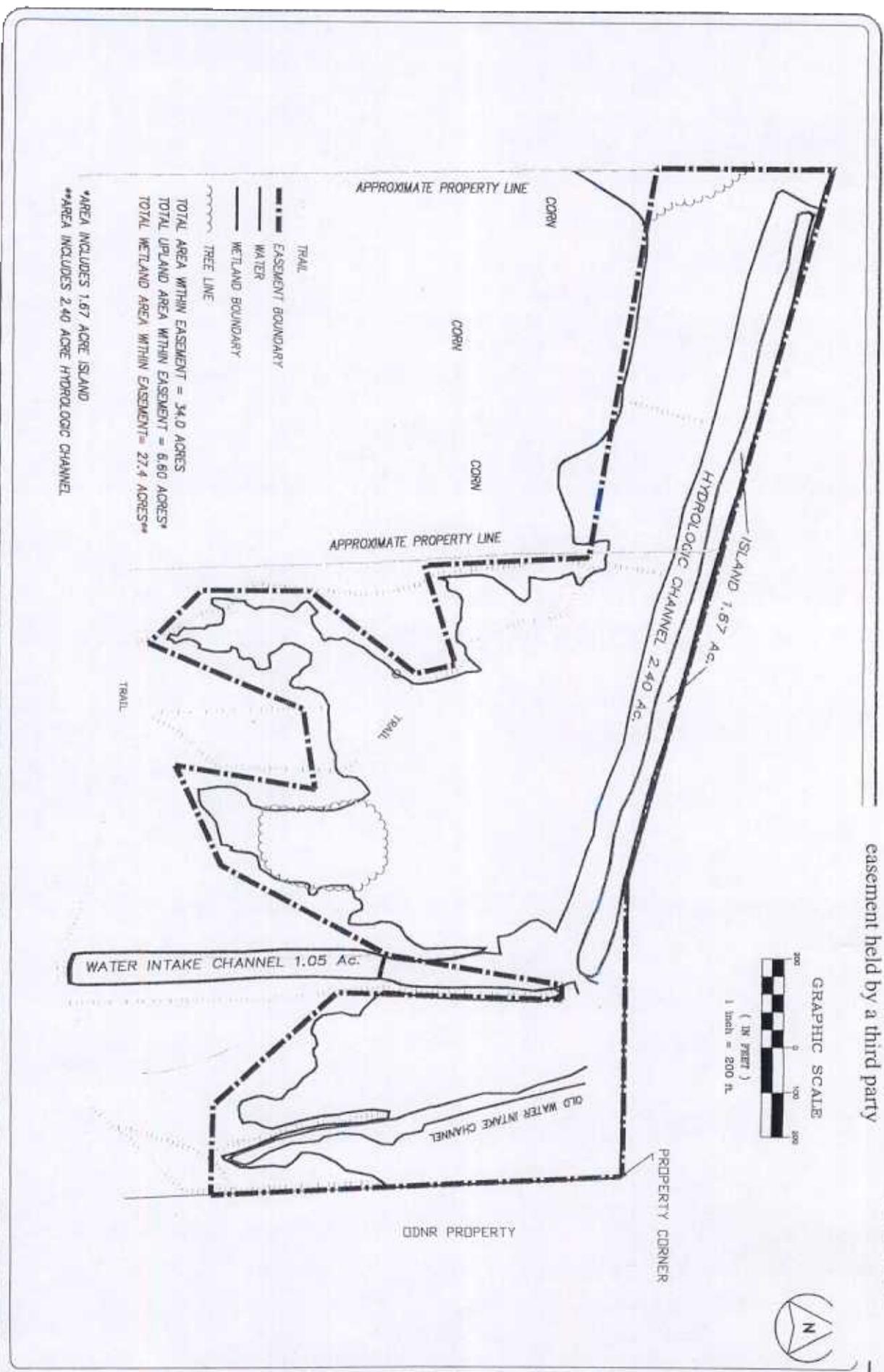
27. That corrective measures shall be implemented to preclude the growth of the following invasive plant species should they appear within the wetland mitigation areas: *Alliaria petiolata*, *Phalaris arundinacea*, *Phragmites spp.*, *Solanum dulcamera*, *Rhamnus spp.*, *Rosa multiflora*, *Polygonum cuspidatum*, *Lythrum salicaria*, *Typha angustifolia* and *Typha x glauca*.

28. That at the end of the tenth year post completion of all construction activities, the designated Mitigation Area shall be vegetated with a minimum of 80% areal cover of hydrophytic vegetation, excluding *Myriophyllum spicatum*. In addition, less than 15% areal cover of the mitigation area shall be vegetated with the following invasive species: *Lythrum salicaria*, *Phragmites spp.*, *Phalaris arundinacea*, *Solanum dulcamera*, *Rhamnus frangula*, *Typha angustifolia*, and *Typha x glauca*. In the event that these criteria are not met, the applicant shall undertake remedial actions identified by the District Commander. These actions may include, but are not limited to, corrective actions described above, or an alternative wetland mitigation plan to be implemented on the same or an alternate site

29. That you shall install an impermeable weir structure or an alternative device to ensure that a minimal water level of 2 feet is maintained in the main channel. Placement of a weir structure or design of an alternative device is subject to written approval from the U.S. Army Corps of Engineers. The weir structure or alternative device must be installed **prior** to any excavating and grading activities.

Appendix E

Shows the North-South Channel along with the area Barnes has agreed to put into a conservation easement held by a third party



TOTAL AREA WITHIN EASEMENT = 34.0 ACRES
 TOTAL UPLAND AREA WITHIN EASEMENT = 6.60 ACRES*
 TOTAL WETLAND AREA WITHIN EASEMENT = 27.4 ACRES**

*AREA INCLUDES 1.67 ACRE ISLAND
 **AREA INCLUDES 2.40 ACRE HYDROLOGIC CHANNEL



EASEMENT MAP

PROJECT: BARNES NURSERY
 LOCATION: HURON, OHIO

CHAGRIN VALLEY ENGINEERING, LTD.

PROJECT No. 0121

Appendix F

August 2001, looking west down the shoreline separating the dike from the State Nature Preserve. Note the water has drained away from the shore. The vegetation holding the bank is the same as that found in the undisturbed areas.



**VEGETATION SURVEY OF THE BARNES NURSERY PROJECT
EAST SANDUSKY BAY, ERIE COUNTY, OHIO — SEPTEMBER-OCTOBER, 2001**

SCIENTIFIC NAME	COMMON NAME	RELATIVE ABUNDANCE				WETLAND CLASS
		BS	IC	CS	MF	
1. <i>Acer negundo</i>	box-elder	-	O	-	-	FAC+
2. <i>Alisma plantago-aquatica</i>	broad-leaf water-plantain	C	-	-	-	OBL
3. <i>Amaranthus retroflexus</i>	red-root amaranth, pigweed	-	O	O	-	FACU
4. <i>Amaranthus tuberculatus</i>	rough-fruit amaranth	-	-	O	C	FACW
5. <i>Ammannia coccinea</i>	pink ammannia	O	-	-	O	OBL
6. <i>Aster simplex</i>	panicked aster	-	O	-	C	FACW
7. <i>Bidens cernua</i>	nodding beggar-ticks	C	-	-	O	OBL
8. <i>Chenopodium am brosioides</i>	American wormseed	-	O	-	-	FACU
9. <i>Chenopodium glaucum</i>	oak-leaved goosefoot	-	A	-	-	FACW-
10. <i>Cirsium arvense</i>	creeping thistle	-	-	O	-	FACU
11. <i>Conyza canadensis</i>	horseweed	-	-	O	-	FAC-
12. <i>Cycloloma atriplicifolium</i>	winged pigweed	-	C	O	-	FACU
13. <i>Cyperus diandrus</i>	umbrella sedge	O	-	O	-	FACW
14. <i>Cyperus erythrorhizos</i>	umbrella-sedge	C	-	C	A	FACW+
15. <i>Cyperus esculentus</i>	chufa	-	-	O	-	FACW
16. <i>Cyperus odoratus</i>	rusty flatsedge	C	-	O	C	FACW
17. <i>Cyperus rivularis</i>	shining flatsedge	O	-	-	-	FACW+
18. <i>Echinochloa walteri</i>	Walter's millet	-	-	O	-	FACW+
19. <i>Eleocharis acicularis</i>	least spikerush	O	-	-	-	OBL
20. <i>Eleocharis engelmannii</i>	Engelmann's spike-rush	O	-	O	-	FACW+
21. <i>Eleocharis erythropoda</i>	red-stemmed spike-rush	U	-	U	C	OBL
22. <i>Eleocharis intermedia</i>	Matted spikerush	O	-	-	-	FACW+
23. <i>Epilobium glandulosum</i>	willow-herb	-	C	O	-	FAC-
24. <i>Erechtites hieraciifolia</i>	American burn, pilewort	-	-	O	-	FACU
25. <i>Eupatorium perfoliatum</i>	common boneset	C	O	C	-	FACW+
26. <i>Impatiens capensis</i>	jewelweed	C	-	O	C	FACW
27. <i>Juncus dudleyi</i>	Dudley's rush	-	-	O	-	FAC-
28. <i>Juncus effusus</i>	soft rush	-	-	O	C	FACW+
29. <i>Juncus tenuis</i>	slender or path rush	-	-	-	O	FAC-
30. <i>Juncus torreyi</i>	Torrey's rush	-	-	-	O	FACW
31. <i>Lobelia siphilitica</i>	great blue lobelia	-	-	-	O	FACW+
32. <i>Ludwigia palustris</i>	water-purslane	C	-	-	C	OBL
33. <i>Lythrum salicaria</i>	purple loosestrife	O	O	-	O	FACW+
34. <i>Mentha arvensis</i>	field mint	-	-	-	O	FACW
35. <i>Mimulus ringens</i>	Allegheny monkey-flower	-	-	-	C	OBL
36. <i>Nelumbo lutea</i>	American or water lotus	U	-	-	-	OBL
37. <i>Oenothera biennis</i>	common evening-primrose	O	C	-	-	FACU-
38. <i>Panicum capillare</i>	witchgrass	-	-	-	O	FAC-
39. <i>Penthorum sedoides</i>	ditch-stonecrop	C	-	O	C	OBL
40. <i>Phragmites australis</i>	common reed	-	O	-	-	FACW
41. <i>Phytolacca americana</i>	common pokeweed	-	O	-	-	FACU+
42. <i>Plantago rugelii</i>	black-seed or Rugel's plantain	-	O	-	-	FACU
43. <i>Polygonum lapathifolium</i>	nodding smartweed	C	A	A	C	FACW+
44. <i>Polygonum pennsylvanicum</i>	Pennsylvania smartweed	O	-	O	-	FACW
45. <i>Polygonum punctatum</i>	dotted or water smartweed	C	-	-	-	OBL
46. <i>Pontederia cordata</i>	pickeral weed	O	-	O	-	OBL
47. <i>Populus deltoides</i>	eastern cotton-wood	-	A	C	-	FAC
48. <i>Potentilla anserina</i>	silverweed	-	-	-	U	OBL
49. <i>Potentilla norvegica</i>	Norwegian or rough cinquefoil	-	-	O	-	FACU
50. <i>Potentilla paradoxa</i>	bushy cinque foil	-	-	-	O	OBL
51. <i>Rorippa palustris</i>	common yellow cress	O	-	O	-	OBL
52. <i>Sagittaria cuneata</i>	northern arrowhead	O	-	-	-	OBL
53. <i>Sagittaria latifolia</i>	broad-leaf arrow-head	A	-	-	C	OBL
54. <i>Salix amygdaloides</i>	peach-leaf willow	-	-	-	O	FACW
55. <i>Salix eriocephala</i>	heart-leaved willow	-	-	-	O	FACW
56. <i>Salix exigua</i> [= <i>S. interior</i>]	sandbar willow	-	O	O	-	OBL

**VEGETATION SURVEY OF THE BARNES NURSERY PROJECT
EAST SANDUSKY BAY, ERIE COUNTY, OHIO — SEPTEMBER-OCTOBER, 2001
(Continued)**

SCIENTIFIC NAME	COMMON NAME	RELATIVE ABUNDANCE				WETLAND CLASS
		BS	IC	CS	MF	
57. <i>Scirpus fluviatilis</i>	river bulrush	O	-	O	-	OBL
58. <i>Scirpus validus</i>	soft-stem or great bulrush	C	-	O	C	OBL
59. <i>Solanum dulcamara</i>	bittersweet nightshade	-	O	-	A	FACU-
60. <i>Solidago canadensis</i>	Canada golden-rod	-	C	-	-	FACU
61. <i>Sparganium eurycarpum</i>	giant bur-reed	-	-	-	C	OBL
62. <i>Trifolium pratense</i>	red clover	-	O	-	-	FACU-
63. <i>Typha angustifolia</i>	narrow-leaf cattail	C	-	-	C	OBL
64. <i>Verbena hastata</i>	blue vervain	U	C	O	-	FACW+

RELATIVE ABUNDANCE
 A — Abundant
 C — Common
 O — Occasional
 U — Uncommon

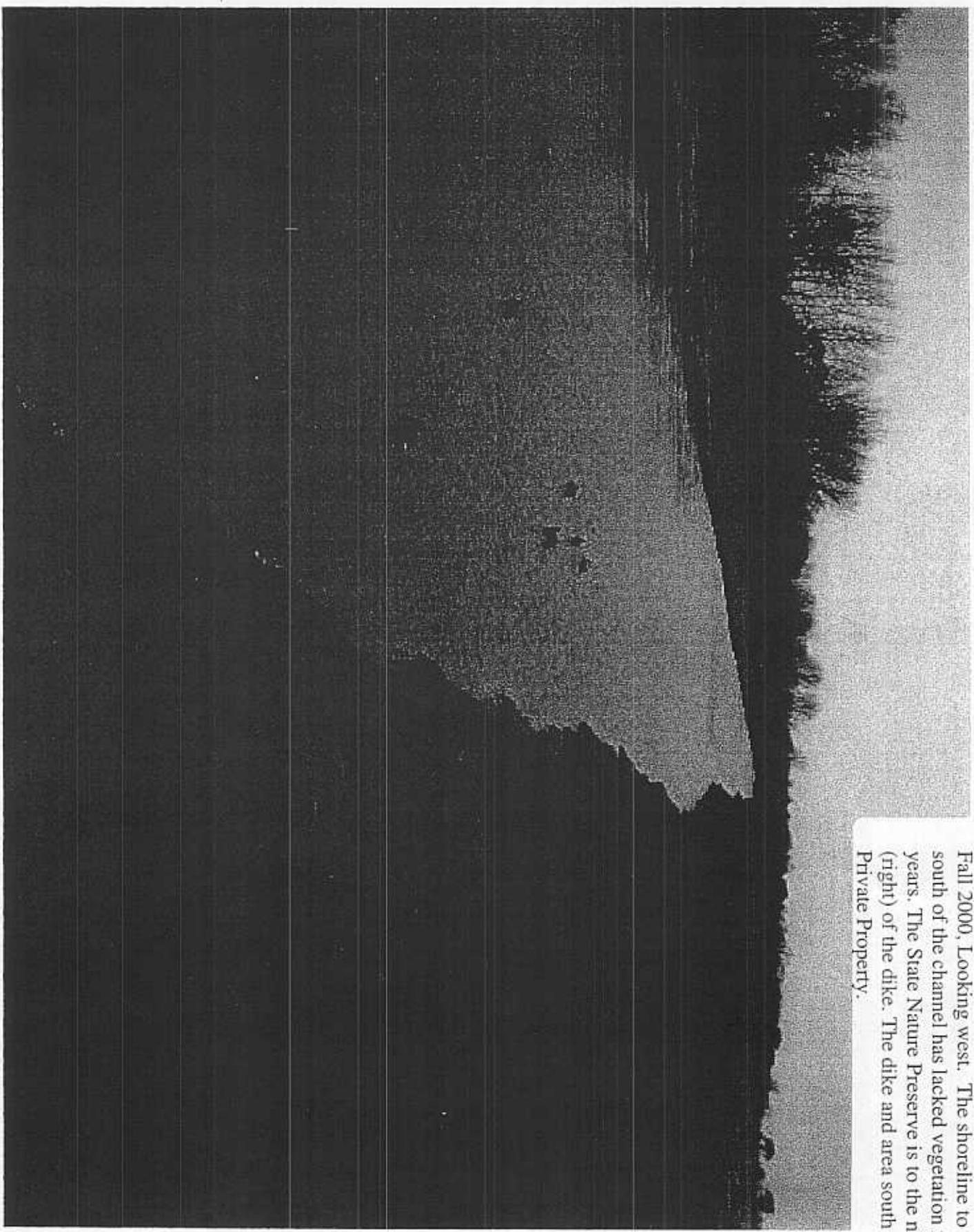
WETLAND INDICATOR CODES
 FAC — Faculative Plants
 FACU — Faculative Upland Plants
 FACW — Faculative Wetland Plants
 OBL — Obligate Wetland Plants
 + greater wetland probability
 - lesser wetland probability

SAMPLING LOCATIONS
 BS — Bay shoreline of island
 IC — Crest of Island
 CS — Channel shoreline of island
 MF — Mud flats south of channel

Field collection and identification by Dr. Charles E. Herdendorf, Emeritus Professor of Limnology, The Ohio State University (9/7/01).
 Species identification verified by Dr. Ronald L. Stuckey, Emeritus Professor of Botany, The Ohio State University (9/8/01).
 Additional collection and identification by James Bissell, Cleveland Museum of Natural History and Dr. Gary R. Finni, TRC (10/3/01).

Appendix H

Fall 2000, Looking west. The shoreline to the south of the channel has lacked vegetation for years. The State Nature Preserve is to the north (right) of the dike. The dike and area south are Private Property.



Appendix I

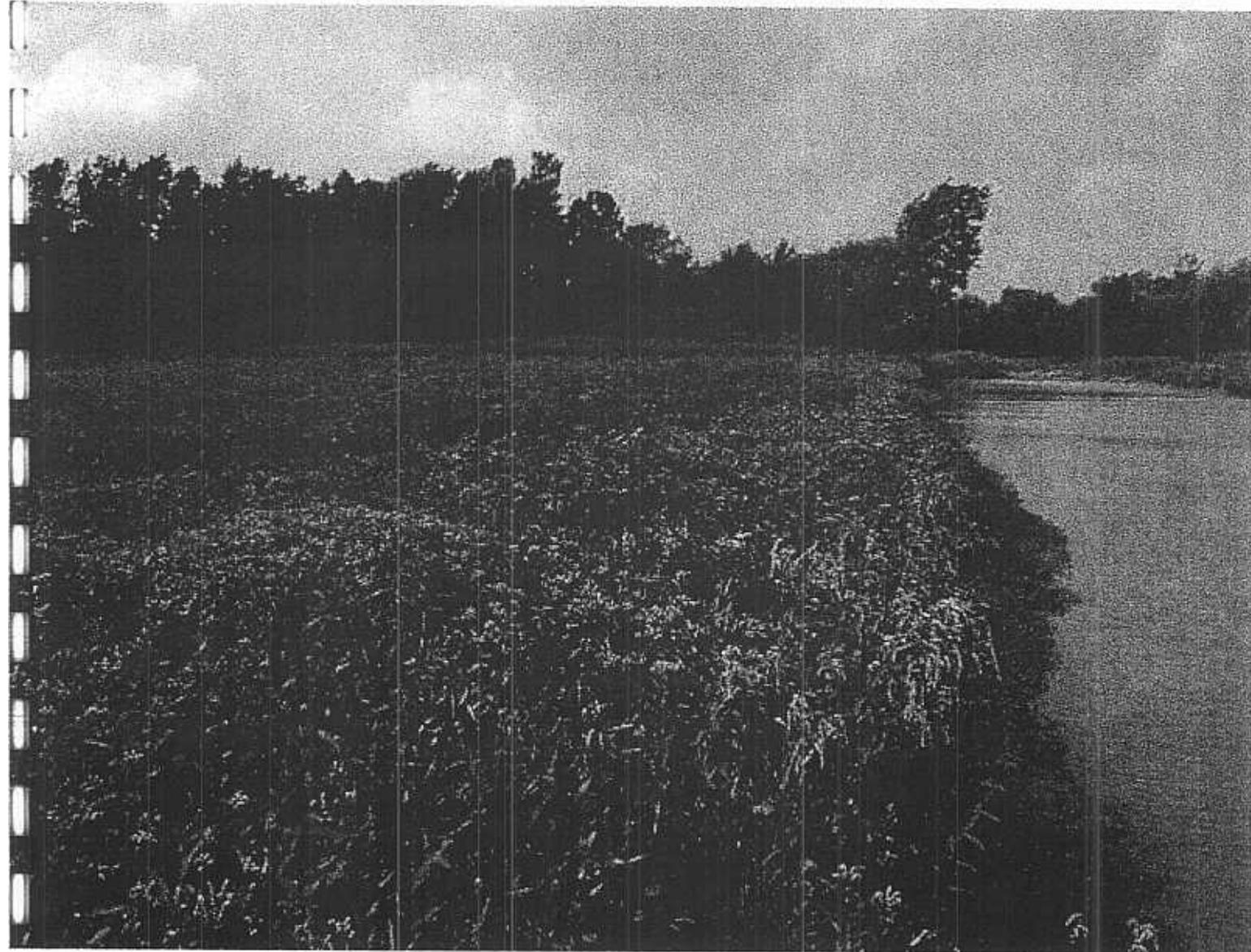
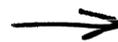
August 2001, Looking west. The seed bank produced a diverse vegetation on the dike and on the former mud flat to the south of the channel.

→ N



Appendix J

August 2001, Looking west. An up close look at the vegetated area along the shoreline





on Agency

Appendix K

Public Hearing Announcement—The water quality issue is turbidity, NOT chemical pollution.

PUBLIC INTEREST CENTER
P.O. Box 1049, 122 South Front Street
Columbus, OH 43216-1049
Tele: (614) 644-2160 Fax: (614) 644-2737

CITIZEN ADVISORY

For Release: October 31, 2001

Contact: Susan Aman, Environmental Public Information Officer
(614) 644-2160

Ohio EPA Offers Public Hearing About Application From Barnes Nursery

Ohio EPA will hold an information session and public hearing on Monday, December 10, 2001, to accept comments on an application for a Clean Water Act Section 401 certification from Barnes Nursery. The company applied for the certification after it dredged and filled approximately 4.3 acres of wetlands. The project created a channel that would provide approximately 300,000 gallons/day of irrigation water for the Barnes Nursery, located next to Sheldon's Marsh. The meeting is at 7 p.m. at the Sandusky High School, 2130 Hays Avenue in Sandusky.

The federal Clean Water Act requires anyone discharging dredged or fill material into waters of the State to obtain a Section 401 Water Quality Certification from Ohio EPA and a Section 404 Permit from the U.S. Army Corps of Engineers. Ohio EPA is currently reviewing the company's revised application for a Section 401 certification.

The activities proposed by Barnes Nursery would not exceed chemical-specific water quality standards that protect aquatic life and human health. The activities would, however, result in a change from current water quality conditions in Lake Erie and the wetlands. Therefore, Ohio EPA is required to consider technical, economic, social and environmental aspects of the proposed project.

During the information session, Ohio EPA and the Ohio Department of Natural Resources representatives will present information about the application, its environmental impacts and proposed mitigation, and answer questions from the public. During the public hearing, which will immediately follow the information session, the public can submit comments for the official record regarding the application.

The certification application can be viewed at the Sandusky Public Library, 114 W. Adams Street, Sandusky, Ohio; Ohio EPA's Northwest District Office, 347 N. Dunbridge Road, Bowling Green, Ohio; and Ohio EPA's Central Office, 122 South Front Street, Columbus, Ohio. The public may comment on the application in writing through the close of business on December 17, 2001, by writing to: Ohio EPA Division of Surface Water, Attn: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049. Comments received after this date may not be considered as part of the official record of the hearing.

**INFORMATION SESSION
&
PUBLIC HEARING
for
Barnes Nursery**

**December 10, 2001
7 p.m.
Sandusky High School
2130 Hays Avenue
Sandusky, Ohio**

Appendix L

August 2001, looking west. Cottonwood are coming on strong. Notice newly vegetated landward shoreline (left) and shoreline between the dike and State Nature Preserve.

→ N





[back](#)

MANMADE ISLANDS STIR DEBATE

Jonathan Ahl

November 25, 2002

For more than one hundred years, man has made changes to rivers and lakes. Locks, dams, and redirecting waterways has raised water levels and increased river flows. One effect has been the near disappearance of islands that once provided habitat for fish, plants, and birds. Some groups are trying to rebuild those islands. But the concept of a manmade island is not universally accepted. The Great Lakes Radio Consortium's Jonathan Ahl reports:

Jim Baldwin is driving his small boat along an island in the Illinois River, the body of water that connects the Great Lakes to the Mississippi River. He is an environmentalist that has been watching this portion of the river for years, and likes what he sees. He's retired now, and spends most of his time either at his cabin on the riverfront just north of Peoria, Illinois or working with environmental groups looking to preserve rivers and streams. These islands are not natural. The Army Corps of Engineers made them ten years ago. Baldwin says since then, it's not uncommon for him to take his boat out and see fifty to a hundred pelicans.

"Everybody tells me that until this island was built, they never even stopped here. Now some of them stay year round."

The Corps built the islands by dredging silt and sediment that had been clogging nearby portions of the river. The theory is the manmade islands would provide a buffer from the river flow, and create an area of deep water that could provide habitat for sport fish. It would also provide a feeding area for migrating birds.

John Marlin is a researcher with the Illinois Department of Natural Resources. He says the program has been a success.

"The islands stop the large waves that come across the lake and there is a calm area behind the islands the waterfowl seem to appreciate. Also, the birds such as pelicans and alot of the wading birds are using the islands as resting areas."

Marlin says the islands are growing thick vegetation, and the soil dredged from the river has proven to be free of any pollutants that are present in some river sediments.

But not all environmentalists sing the praises of manmade islands. Some believe these new islands will suffer the same fate of the natural islands that are now gone.

Tom Edwards is the head of River Rescue, an environmental group focusing on rivers. He says the man made islands are only a temporary fix:

"The islands are an illusion. All of the wonderful that they say are going to result from the islands are not going to result. We have 113 islands in the river right now, and it hasn't resulted from a single one of them. So let's learn from what's here right now. So they are going to dig the water deeper around these islands and hope that's going create deep water. It will be very temporary. Deep water amounts to a silt trap."

Edwards says it is just a matter of time until the sediment fills up the deep water areas created by the manmade islands. He says until there are significant changes in land-use policy that keep sediment from entering rivers, manmade islands will only be a quick fix.

But river activist Jim Baldwin says many states and local governments are starting to adopt land use policies that will keep sediment out of the Midwest Rivers and streams. He also says using dredged materials to create the islands will help alleviate the problem. He says most importantly, the manmade islands are getting the job done.

"It does two things. Number one is it provides the deep water that we need for fisheries. The island itself will grow trees and habitats for all kinds of birds. It will do that. That's what it's all based on is those two things."

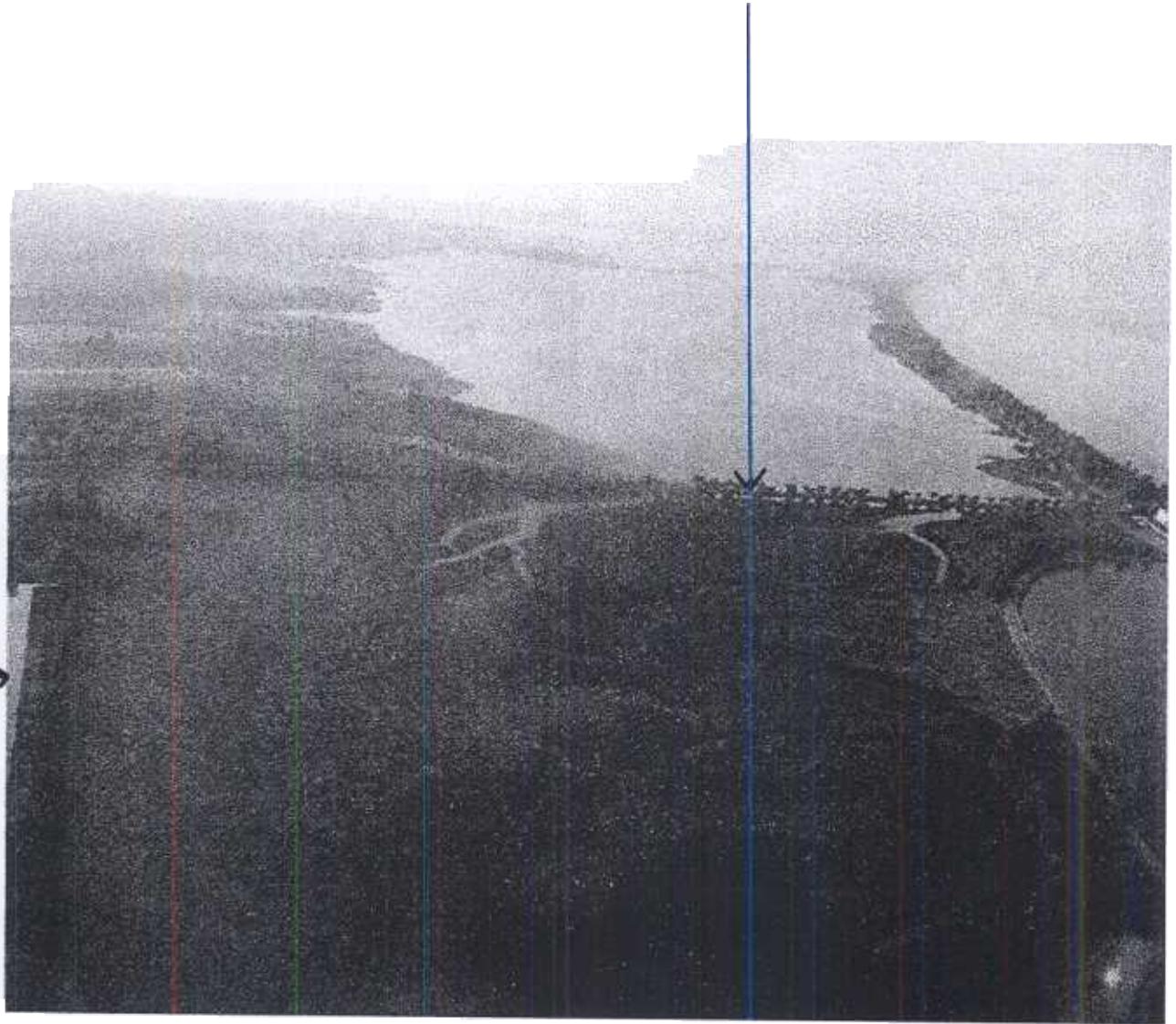
While the debate over man made islands continues, the Army Corps of Engineers is proposing to build two more islands on the Illinois River in the coming years.

For the Great Lakes Radio Consortium, I'm Jonathan Ahl.

© 2002 Great Lakes Radio Consortium

Appendix M

Construction of Cedar Point's Willow Road (about 1919) was the first dike in East Sandusky Bay.



ARNES PROJECT →

Appendix P



November 30, 2001

Laura Fay
 Section 401 Coordinator
 O.E.P.A.
 P.O. Box 1049
 Columbus, OH 43216

Post-It® Fax Note		7671
Date	11-20-02	# of pages 1
From	J. Moldovan	
To	S. H. Barnes	
Co./Dept.		
Phone #	419-437-2562	
Fax #	419-437-2535	

We understand that Barnes Nursery, Inc. has applied for a 401 Certification for a project on the shoreline of their property in Erie County. We also understand that part of this permitting process involves comment on the economic impact of the company upon the area.

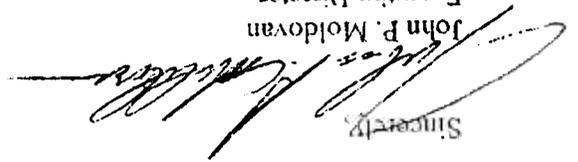
On behalf of Barnes Nursery, Inc., I would like to offer one perspective, relative to their economic impact here.

If, within the realm of economic development, any community in Ohio were presented with the prospect of locating a business with the attributes that Barnes Nursery provides our area, I can assure you that those communities' economic development and governmental officials would be doing their utmost to locate this company within their respective communities.

Barnes Nursery employs between 65 and 177 people over the course of a year, depending on the season. Those employment levels result in a multi-million dollar annual payroll. Applying the generally accepted economic multiplier effect of payroll levels on a community, Barnes' payroll has an economic ripple effect ranging between \$25 million and \$28 million per year. Additionally, the company productively uses approximately 350 acres of prime land, and thus generates significant property taxes that pay for various local governmental services. Barnes Nursery also operates a fleet of 90 motor vehicles, with all the attendant taxes and purchasing that must happen to support the operation of those vehicles.

My purpose here is to provide some idea of the impact that a company of this size and type has on a community. We appreciate that there are sensitive issues involved in the permitting process for their project, but we know that Barnes Nursery enjoys a history of environmental stewardship that should be of some consideration in your decision.

We appreciate the opportunity to share our views with you.

Sincerely,

 John P. Moldovan
 Executive Director

JPM:sll

