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US ARMY CORPS OF ENGINEERS

BUFFALO DISTRICT

DEPARTMENT OF THE ARMY PERMIT

APPLICATION NO. 2000-02170 (1)

BY

BARNES NURSERY, INC.

PUBLIC HEARING

PERKINS HIGH SCHOOL AUDITORIUM

SANDUSKY, OHIO

JUNE 12, 2001

7:00 P.M.

HUNTLEY REPORTING SERVICE

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1
2 LT. COL. De WILLIE: I'd like to welcome
3 everyone. My name is Lieutenant Colonel Glen De
4 Willie. I'm the Commander of the Corps of Engineers
5 Buffalo District. I'm here tonight to conduct a
6 public hearing on the permit application submitted by
7 Barnes Nursery.

8 They propose to establish a water supply for
9 nursery operations by dredging and filling the waters
10 of Sandusky Bay. These activities are regulated by
11 the Corps of Engineers under Section 10 of the Rivers
12 and Harbors Act of 1899 and Section 404 of the Clean
13 Water Act.

14 Specific information about this project may
15 be found in our Public Notice dated May 11, 2001.
16 Copies of our public notice are available at the
17 registration table near the entrance of the
18 auditorium.

19 Before proceeding any further tonight I'd
20 like to take this opportunity to introduce members of
21 my team who are with me this evening. They are
22 Michael Montone, who is managing the evaluation of
23 this permit application; Kastle Brill, my district
24 legal counsel; Paul Leuchner, Chief of our regulatory
25 branch; Philip Frapwell, the Chief of our monitoring

and enforcement section; and you probably met Nancy Sticht, the Chief of our public affairs, who was at the front registration table, as well as Scott Schlueter, who helped out there, Martin Wargo and Mary Anne Burley of our regulatory branch.

Our permit program regulations state that this hearing shall be conducted for the purpose of acquiring information or evidence that will be considered during the evaluation of this permit request. To put this another way, basically I'm here tonight to listen to you. I'm not here to debate issues. I've scheduled this hearing to afford you the opportunity to comment on this proposal, specifically with regard to its impact on the water resources of Sandusky Bay.

Your comments will become a part of the record. I'll fully consider each and every one of the comments along with all other information contained in the administrative record when I make my decision on this permit application.

When making your comments tonight, please keep in mind that my regulatory authority is limited to the impact of the project on the adjacent waters of Sandusky Bay. I have no legal authority over issues that are outside the limits of our

1 jurisdiction.

2 Following this public hearing and subsequent
3 to closure of the administrative record for this
4 application, I will conduct a public interest
5 review. This is a decision-making process in which
6 the positive and the negative impacts of the project
7 are balanced against one another. Our regulations
8 define the public interest review factors that must
9 be included in this balancing process. The complete
10 list of these factors can be found on page four of
11 the public notice I referred to earlier.

12 My role this evening is to ensure that
13 everyone has an opportunity to speak. Since there
14 are a significant number of people here tonight, I
15 want to make sure that certain ground rules are
16 established to clarify how this hearing will
17 proceed. First and foremost, you shall be respectful
18 of each other and anybody who comes forward to speak
19 tonight on behalf of this particular public hearing.
20 Please do not applaud, cheer or boo any speaker.
21 These emotional outbursts will have no bearing on the
22 public record, nor effect the public interest review
23 process and will take valuable time away from people
24 who wishes to enter their comments into the record.

25 Second, if you have written comments and wish

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1 to enter them into the record, you may do so without
2 reading them here tonight. Several people have
3 already brought written comments. When I call your
4 name, you may choose to step forward, make a brief
5 statement and hand me your written comments. Written
6 comments will receive the same consideration as
7 spoken comments.

8 Third, if a previous speaker has already
9 covered your points, it is not necessary for you to
10 repeat them into the record. All comments will
11 receive equal consideration regardless of the number
12 of times they are repeated.

13 Fourth, to ensure that all comments are
14 received without an unfair graphical advantage, I
15 will not allow the use of visual aids. You may
16 choose to refer to diagrams and drawings contained
17 within the Public Notice or hand me additional
18 material no larger than eight-and-a-half by eleven
19 inches, which I will enter into the public record.
20 In consideration of everyone's safety, I'll ask you
21 if you have any display items, larger visual
22 material, such as placards or posters that they be
23 placed outside of this hearing room.

24 Finally, some of you may want to submit
25 additional comments for the record after this

1 hearing. You'll be able to send me your comments at
2 any time during the ten-day period following this
3 hearing. During this ten-day period any comments you
4 submit will become part of the administrative
5 record.

6 Cross-examination of any party during this
7 hearing is not permitted. Similarly, there will be
8 no debate of any of the issues raised this evening.
9 However, if you have questions that relate to the
10 material specifications of this project, please
11 direct your questions to me only. I will ask the
12 applicant or designated representative to respond.

13 If time permits after all have been given an
14 opportunity to speak, I may allow a brief period for
15 questions pertaining to our regulatory program, the
16 application evaluation process or clarification of
17 stated views.

18 A transcript of this hearing together with
19 all written statements and other information
20 submitted this evening will be made part of the
21 record for this permit application. Also included in
22 the record of this proceeding will be a copy of the
23 permit application, notice of the hearing and any
24 letters or documents submitted that either support,
25 oppose or otherwise relate to the work or activities

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1 requiring authorization by a Department of the Army
2 Permit.

3 Any individual, group or organization seeking
4 to obtain a copy of the hearing transcript may do so
5 by purchasing a copy from transcription service. If
6 you are interested in doing so, please leave your
7 name with the stenographer down in front after the
8 hearing has concluded.

9 As stated earlier, a period of ten days will
10 be allowed after the close of tonight's hearing for
11 submission of written comments to the Corps of
12 Engineers. The hearing file will continue to be
13 available for public inspection at the Buffalo
14 District Office located at 1776 Niagara Street,
15 Buffalo, New York between the hours of 8:00 a.m. and
16 4:30 p.m. Monday through Friday, and also here at the
17 Huron Public Library, 333 Williams Street, Huron,
18 Ohio.

19 It will take approximately one week for the
20 hearing transcript to be prepared and placed in the
21 hearing file. This hearing file will be maintained
22 and updated until a decision is made on this
23 application.

24 Written statements, data and other materials
25 submitted during the period of the hearing record

1 remains open should be sent to our Buffalo District
2 Office and will be accepted and included in the
3 hearing record up to 4:30 p.m. close of business June
4 22, 2001. Submissions should not be made to our
5 Washington Headquarters office or our division office
6 in Cincinnati, Ohio since its arrival at the Buffalo
7 District Office may be delayed beyond June 22, 2001,
8 precluding entry into the record.

9 In a moment I will ask the applicant to make
10 a brief presentation outlining the features of the
11 proposed project. I will then ask for statements
12 from any representatives of Federal, State or local
13 government. Following these presentations I will
14 call on those of you who wish to speak. You may then
15 come forward and enter your testimony into the public
16 record.

17 Please keep your comments brief and to the
18 point and avoid repetitive statements. Your comments
19 should be limited to no more than three minutes.
20 When you speak, please come up to one of the
21 microphones provided and clearly state your name so
22 that it may be accurately recorded in the hearing
23 transcript. Please direct all of your comments to
24 me.

25 I recognize that this project is a great

concern to everyone here tonight. To ensure that everyone is heard, I'll insist that you respect the views of the various speakers tonight, no matter how you may feel about this project. I want to make it clear that I will only tolerate professional behavior this evening. Please do not speak while others have the floor or make derogatory comments or otherwise attempt to disrupt these proceedings. Your statements will assist me in making my determination on this permit request.

Also, for administrative purposes in tonight's hearing, you alone have the opportunity to fill out a card in order to submit comments. If you have not submitted a card yet, we will avail that opportunity to you throughout the course of the hearing so that your comments may be made a matter of public record. You cannot give your time to somebody else because this is not in accordance with the ground rules that we have set up for this evening.

At this time I'll call on Mrs. Sharon Barnes of Barnes Nursery, Incorporated, who will describe the proposal which is the subject of tonight's hearing.

MS. BARNES: Lt. Col. De Willie, Mr. Montone, corporate representatives and interested

1 citizens, thank you for attending this public hearing
2 tonight to make and enter your comments in our recent
3 permit application.

4 Before I begin my remarks, I'd like to take
5 one moment by introducing my family and team who has
6 been working in different ways with our company
7 through this process. Bob Barnes, my husband; Steve
8 Bell, our attorney; my son and daughter, Jerrod and
9 Julie Barnes, and our scientific and environmental
10 consultant Dr. Herdendorf and his wife Ricky.

11 I also want to thank our employees. The
12 Barnes Nursery has one of the greatest group of
13 people who work anywhere, and they have been very
14 supportive here.

15 Water is critical to our nursery. It is the
16 life blood of every nursery operation. A production
17 nursery cannot survive without steady access to
18 water.

19 When my father-in-law Harold Barnes purchased
20 the Linder Farm in 1950 to start his rose growing
21 operation, he selected the farm because of its soil
22 qualities, access to water and the lake brings warmer
23 temperatures in the winter and cooler temperatures in
24 the summer extending the growing season.

25 Barnes has accessed East Sandusky Bay for

1 irrigation water since Barnes began. Over the years
2 we've seen tremendous changes in the pristine
3 marshland at the north end of our property. This
4 area once full of plant and animal life has been
5 altered by a series of construction projects on and
6 around East Sandusky Bay. These projects have
7 resulted in deterioration of the sand pit which
8 stretched continuously from the NASA pump station all
9 the way to Cedar Point.

10 Sheldon State Nature Preserve has lost much
11 of its acreage to the lake, and high water reaching
12 the sandbar has washed out the natural channels that
13 provided continuous water to this bay even in dry
14 years. What we have perceived as natural action of
15 the lake in this form has actually been part of the
16 chain reaction from this mass construction.

17 How did we get here? April 2000 Barnes
18 Nursery went to the US Army Corps of Engineers to ask
19 for a permit to correct the irrigation. April, May
20 and June of 2000 the Corps, with the insistence of
21 the US Fish and Wildlife Service, worked with us
22 putting together a plan for a deep water fish habitat
23 and a series of upland islands that would add value
24 to the surrounding bay and marsh while providing
25 irrigation water for our nursery.

1 June 2000, according to the Corps, the Ohio
2 EPA and the ODNR were given the opportunity to review
3 the permit application and received no objections.
4 June 2000 the permit was issued and the project
5 began. July 2000 Barnes was requested to stop the
6 project and did so immediately upon request.

7 In January 2001 the Corps rescinded the
8 nationwide permit due to the fact it was primarily
9 for a water supply project and not habitat
10 restoration. The Corps gave Barnes the option to
11 restore the area back to its original condition or
12 reapply for an after-the-fact individual permit.
13 Barnes Nursery reapplied for the individual permit.

14 For almost a year now this project has been
15 the victim of a lot of irresponsible reporting and
16 accusations. The first report filtering around the
17 community and the State was that Barnes had cut
18 through the State preserve. One paper erroneously
19 published on the front page a full-color map showing
20 the path of the channel directly through the State
21 preserve. When Barnes immediately pointed out that
22 error, it was corrected later in black and white on
23 an inside page.

24 Betty Montgomery sent a highly publicized
25 letter threatening to file a lawsuit over the

1 project, however, the deadline has long since
2 passed.

3 Rumors have been rampant and even printed in
4 the newspaper that this is the first step of a marine
5 project. A marina is not now, nor has it ever, been
6 part of any plan by Barnes in this effort to access
7 the water.

8 Tonight we are at the public hearing phase of
9 the new individual permit process. Within this
10 permit application Barnes is asking, number one, to
11 retain a channel 40 foot by five foot by 1,500 foot
12 that was dredged under the nationwide permit and to
13 retain parallel islands created by the cascades
14 located on the north side.

15 Secondly, we are requesting to complete the
16 project by first modifying the 1,500 foot island into
17 five separate islands. This will enable water to
18 more easily move in and out of the area. Second,
19 grade the islands into general slopes so the
20 shoreline can be colonized by wetland vegetation.
21 Third, restore a portion of the Black Channel from
22 its remnant located about 500 feet north of our
23 existing channel.

24 What are the benefits of the project? This
25 project will benefit the area ecology by providing a

1 channel that will serve as a year-round, deep-water
2 habitat for fish, a refuge during dry times when the
3 rest of the area turns to dry mudflat and in the
4 winter when the bay bottom is frozen.

5 In the past there was always a deep water
6 stream going through that Bay. This channel is
7 nearly -- this channel because its nearby upland is a
8 perfect habitat for the turtle, whose numbers have
9 diminished drastically in the past years. The upland
10 area created by the series of islands will provide
11 additional habitat for plants and animals. These
12 islands also protect the natural shoreline from the
13 erosion caused by the wave action coming in and over
14 Point Creek Bluff and overwashing the Cedar Point
15 sand during high waters.

16 The point which we cut which was dredged out
17 about a decade ago forces storm water waves into the
18 East Bay. This is yet another damaging feature which
19 has contributed to the loss of water to Barnes
20 Nursery.

21 To recap, Barnes has been in business here
22 since 1950. We have grown from four employees and
23 one truck to 150 people and a fleet of equipment.
24 None of this growth could have occurred without
25 water. We have pumped water from East Sandusky Bay

1 for 51 years. The project completed thus far is on
2 private property. The project was built in an open
3 water environment and has not intruded on coastal
4 wetlands.

5 The ecological tradition currently found in
6 the East Sandusky Bay are the result of man
7 structures and their intrusion in the balance. These
8 structures have deprived the natural wetlands causing
9 a great deal of sand and high water and washing out
10 the deep natural channels in the bay. Many of you
11 living on the bay for some time have witnessed the
12 results of this over the years. Barnes is attempting
13 to restore to a limited degree some of the deep water
14 and maintain our nursery source of water.

15 In the absence of being able to secure access
16 to a steady supply of water, Barnes Nursery is at
17 risk for not being able to support its inventory and
18 thus at risk of losing its business as we know it
19 today. Thank you.

20 LT. COL. De WILLIE: Okay. I'll now begin
21 calling respondents forward. The first respondent is
22 Georgia Bobryk.

23 MS. BOBRYK: I just want to speak as
24 an individual who uses the Marsh. I don't live in
25 the county, but for 23 years I've visited the Marsh

1 once a month on an average, brought friends, brought
2 relatives, brought family. It's a very accessible
3 place for seniors and the handicapped. It's lovely,
4 and I've led classrooms, school children there. I'm
5 just interested in seeing it preserved as it was
6 before. Thank you.

7 LT. COL. De WILLIE: Thank you. Thomas
8 Sheldon?

9 MR. T. SHELDON: Colonel, good evening.
10 My name is Thomas Sheldon. In 1954 my grandfather,
11 Dr. Dean E. Sheldon, purchased the original Sheldon
12 Marsh property, and after his death, my father, Dean
13 E. Sheldon, Jr., become the faithful steward for the
14 land until our family made it possible for the State
15 to acquire it in 1979.

16 Naturally, my emotions run high when
17 discussing the proposed irrigation project near this
18 pristine wildlife area. It has been so instrumental
19 in my family's life.

20 But I do not come before you this evening to
21 ask that our family heritage be protected. I rise to
22 ask that Lake Erie's natural heritage be saved from
23 certain demise.

24 I am dismayed that our nation's wetlands are
25 disappearing rapidly. According to the US Fish and

1 Wildlife Services report, nearly 650,000 acres of
2 wetlands in this country were lost forever between
3 1986 and 1997, costing the US 58,500 acres of wetland
4 per year. What's more, the United States has
5 retained only 50 million acres of forest and wetlands
6 for future generations. Unless drastic changes are
7 implemented in my lifetime, this shocking trend will
8 continue.

9 The proposed irrigation project threatens the
10 fragile hydrology of the area by disturbing the
11 natural ebb and flow of water, the lifeblood of any
12 marsh. It threatens the precious ecosystem that
13 numerous shorebirds and aquatic life depend upon by
14 destroying a natural shoreline and introducing silt
15 into spawning beds.

16 In short, this project will drastically
17 change the very nature of the Marsh sullyng the
18 crown jewel of Lake Erie. I ask that we protect what
19 little wetland remains in this nation by denying the
20 permit for this project and for any future
21 proposals.

22 Sheldon Marsh is one of the last regions on
23 Lake Erie that has not been defiled by human
24 development. It would be a shame, I believe, if we
25 cannot assure future generations that this land will

1 be shielded from any human disturbance. Thank you
2 very much.

3 LT. COL. De WILLIE: Thank you. Dean,
4 Sheldon?

5 THEREUPON, Public Hearing Exhibit 1 was
6 marked for identification.

7 MR. D. SHELDON: Colonel, I have to
8 confess that's a hard act to follow, and he wrote it
9 himself, I want you to know that, and he speaks from
10 the heart.

11 My name is Dean Sheldon, Jr. I'm a resident
12 of Ripley Township in Huron County. With apologies
13 to all who may take issue with these comments, I must
14 begin by observing, as Sharon has, that Barnes
15 Nursery has been withdrawing water from the
16 marshlands of East Sandusky Bay to irrigate its
17 nursery operations for over 50 years. This has taken
18 place during periods of high water and low depending
19 on the changing level of the water in Lake Erie.

20 How now after that half century has passed
21 can the situation have changed so radically as to
22 have caused Barnes to expend enormous sums of money
23 to prove that he needs to destroy Sheldon Marsh to
24 get more? It makes no sense. It is purely wrong,
25 and if it weren't wrong, why would he have expended

1 all of this money on an illegal pursuit in an attempt
2 to convince the rest of us that he is right in taking
3 these actions.

4 This is a time for reality, and the reality
5 is that Bob Barnes had no business doing any of this
6 in the first place. He clearly broke the law and
7 defiled the Marsh which belongs to everyone.

8 My plea to you, sir, and to your staff in
9 Buffalo, get real and reject this permit application,
10 require Bob Barnes to backfill this trench with the
11 soil he has so defiantly piled in this precious
12 wetland and restore Sheldon Marsh to good health.
13 Thank you.

14 THEREUPON, Public Hearing Exhibit 2 was
15 marked for identification.

16 LT. COL. De WILLIE: Jim Fisher?

17 MR. FISHER: Colonel, I thank you
18 for coming down here tonight. I think we all
19 appreciate this public hearing. I would like to just
20 say that I've been involved with several permits from
21 your agency in the past. I'm a past member of the
22 Huron Joint Port Authority. I have been very
23 interested in the ecology and the development from
24 business in our area for 26 years.

25 I would like to say that whether or not you

1 allow this permit to continue, I feel there needs to
2 be a balance between ecology and a business which
3 employs more people in the City of Huron, except for
4 one big corporation, maybe two, but they are a vital
5 business for everyone concerned. Everybody knows
6 Barnes Nursery.

7 I believe that something in between. I think
8 that the Port Authority, I think the EPA, your group
9 as well as US Fish and Wildlife should all sit down
10 together and determine some course of action which
11 would somewhat be according to both parties and
12 acceptable by both parties because we do live with
13 businesses. A lot of people depend on their income.

14 And I understand that Sheldon Marsh is a
15 very, very protected wetlands, I believe it's number
16 three on the list, and that is -- but we do have a
17 housing project that was developed right next door,
18 which Barnes Nursery is further to the west, and
19 that's interesting.

20 I think that we all should sit down and talk
21 it over and maybe issue a new permit or find a way
22 for them to gain water.

23 I have walked this Marsh in the last two
24 years. There are no muskrats. It has been dry. It
25 is not the same Marsh that it was a long time ago in

1 the '80s when we had the high water, I understand
2 that, but I think that the parties, everyone, should
3 sit down and talk it over and come up with some
4 solution that both can live with. I appreciate the
5 opportunity, sir. Thank you.

6 LT. COL. De WILLIE: Thank you. Patricia
7 Dwight?

8 MS. DWIGHT: Colonel De Willie, I'm
9 a resident of Huron, Erie County. My husband and I
10 own property, 29 acres, just east of the Barnes'
11 property. Our property abuts Sheldon Marsh. We have
12 owned our property since 1981.

13 We have since purchasing this property
14 committed 8.6 acres of our marshland to the State of
15 Ohio as a conservation easement. We've also worked
16 with the Federal Government Conservation Research
17 Program to plant 17,000 trees in 15 acres of our
18 property.

19 We belief strongly in wise stewardship of
20 private property, and I know that's been a big issue,
21 the private property issue has been a big issue in
22 this entire proceeding since its beginning a couple
23 months ago or so.

24 My husband and I feel strongly that because
25 we have -- people own private property does not give

1 them the right and authority to do as they please on
2 the property. Wise stewardship demands looking at
3 future generations and giving them the opportunity to
4 enjoy a last great place such as Sheldon Marsh.

5 In other words, we believe that our deed and
6 all deeds that are in wetland are deeds with
7 conditions.

8 Fortunately, there are regulations governing
9 usage of wetlands and flood plain on private
10 property, and I've checked into some of those, and
11 the reporter here has the numbers. I won't go into
12 great detail on the numbers, but I would like to
13 quote a few of these if I may.

14 One of the Federal regulations states that an
15 inherent aspect of private property ownership is the
16 right to reasonable private use. However, this right
17 is subject to the rights and interests of the public
18 in waters of the United States, which Sheldon Marsh
19 complex is in, including Federal regulation for
20 environment protection.

21 Another regulation states that the particular
22 wetlands site for which an application such as this
23 is made will be evaluated with the recognition that
24 it may be part of a complete and interrelated wetland
25 area.

1 In other words, Barnes' complex and most of
2 the project which has occurred, except after it
3 slumped off into State land, is not physically
4 separate at all from Sheldon Marsh. It's part of a
5 wetland complex.

6 Another regulation advises against permits
7 being granted which involve the alteration of
8 wetlands identified as important as defined, wetlands
9 which are considered to perform important functions
10 in the public interest, and those would include those
11 involving food chain production, nesting habitat,
12 spawning and rearing of fish, sanctuaries -- near
13 sanctuaries or such as this, wetlands, the
14 destruction or alteration of, which would affect
15 detrimentally the natural drainage characteristics
16 sedimentation patterns or other environmental
17 characteristics.

18 LT. COL. De WILLIE: I'm going to ask that
19 you conclude your remarks, please.

20 MS. DWIGHT: Well, I guess I would like
21 to point out this is a significant natural area. The
22 camel's nose as we feel it is the intent. In other
23 words, what we feel has happened here, our fear is
24 that this is support for further development.

25 This channel which is supposed to be 20 feet

1 is excavated to 50 feet, and what we'd like to
2 propose actually is that consideration be given on
3 the part of -- well, first of all, deny the permit
4 and ask them to restore the current excavation, but
5 that perhaps some kind of reasonable solution could
6 be worked out. We're not opposed to Barnes Nursery
7 getting water, it's just how they've gone about it
8 that's the problem, and what I'd like to encourage is
9 perhaps they consider a conservation easement so that
10 our fears might be allayed. In other words, that
11 this place might be available in perpetuity for all
12 of the people so that we don't have to worry about
13 future --

14 THEREUPON, Public Hearing Exhibit 3 was
15 marked for identification.

16 LT. COL. De WILLIE: Okay. Thank you very
17 much. Next is Sheryl Young. If we could pause here
18 for administrative duties.

19 THEREUPON, Public Hearing Exhibit 4 was
20 marked for identification.

21 MS. YOUNG: I'm Sheryl Young from
22 Sandusky, Ohio, and I'm a naturalist with a Master's
23 degree in invertebrate zoology, and what I'd like to
24 address is the importance of this area to the
25 wildlife.

I'm also submitting a letter and a signed publication from Bill Whan, who's the editor of the Ohio Cardinal, a journal that documents the abundance and distribution of bird life in Ohio. In his document he emphasizes the crucial role that the wetlands serve as habitat for migrant shorebirds, and he especially names Sheldon Marsh as one of the few, natural, undiked wetlands remaining along the Lake Erie shoreline. Sheldon's water levels are able to fluctuate along with changing lake levels and wind conditions. This is vitally important. It's important to diversity of the life that's gone on in this Marsh.

What many are calling barren mudflats are actually teeming with invertebrate life. Animals serve food for the fish and other wildlife in the area, including migratory shorebirds. Sheldon is very helpful for those animals.

Bill Whan reports seeing 24 species of shorebirds in that area over the last several years and that they utilize subtle gradations of water depth in a very narrow range. He writes that thus clumsy alterations in the water levels and underwater topography not only -- and including the degradation of water quality will affect the aquatic

1 invertebrates and easily eradicate a very scarce
2 remaining resource.

3 I'm also submitting an essay from the
4 Birder's Handbook which illustrates how each of these
5 various species of shorebirds form in different
6 huddles looking for different types of food.

7 Fluctuating water levels are critical to the
8 Sheldon wetland plants as well. Their seeds can lie
9 dormant for many years until conditions are once
10 again exactly right for their growth. A change in
11 the hydrology of the Marsh could lead to their total
12 disappearance.

13 The Department of Natural Resources of Ohio
14 is recognizing the importance of Sheldon Marsh and
15 has named it a State nature preserve, and that's not
16 a classification they give lightly.

17 US Fish and Wildlife has designated the
18 Sheldon barrier beach as a critical nesting habitat
19 for the endangered piping plover, and those barren
20 mudflats provide its necessary foraging habitat.

21 The Barnes' project will only cause harm to
22 this rare and important ecosystem. The only animals
23 that will benefit from his improvements are Canada
24 geese and carp, and both of those have proven to be
25 nuisance species also.

1 He may have outgrown his easily obtainable
2 water source. He must not be allowed to tamper with
3 an important and supposedly protected natural area.
4 I urge you to deny this permit and restore Sheldon
5 Marsh to its former conditions. Thank you.

6 LT. COL. De WILLIE: Thank you. Next is
7 Dorothy Koontz.

8 THEREUPON, Public Hearing Exhibit 5 was
9 marked for identification.

10 MS. KOONTZ: Colonel De Willie, Mr.
11 Montone and members of the Corps staff, thank you for
12 including us in this hearing. I come as a private
13 citizen and also as president of the Firelands
14 Audubon Society, which is part of the National
15 Audubon Society and the Audubon Society of Ohio.

16 Historically we have been doing everything we
17 can to preserve pristine wetlands, and certainly
18 Sheldon Marsh is that. We do not believe that it's a
19 place for experimentation, although human hands with
20 the development east and west that has gone on has
21 caused some problems. I don't see any good reason
22 for humans to continue that.

23 After all, Sheldon is not just for Huron
24 Township, not just for Erie County, but it is for all
25 the people of Ohio. Many people from Ohio come here

1 and also from other states. It's a place for
2 education to take place. We have bird classes there,
3 public school children come there, scout groups,
4 elder hostel groups and on and on it goes.

5 Therefore, for those reasons and many others,
6 I respectfully request that you deny any permits and
7 that the Marsh be restored to its original
8 condition. Thank you.

9 THEREUPON, Public Hearing Exhibit 6 was
10 marked for identification.

11 LT. COL. De WILLIE: Thank you. Next is Ed
12 Chase.

13 MR. CHASE: Colonel De Willie, Mr.
14 Montone, I represent the Ohio Coastal Resource
15 Management Project, and we're very concerned about
16 the damage to Sheldon Marsh. It's an important State
17 natural preserve along the Lake Erie shoreline.

18 From a partially constructed dike immediately
19 adjacent -- and I have been looking up the regulatory
20 framework which decisions are to be made, and so I'll
21 skip through it lightly, but the references are the
22 attached information.

23 According to the Corps the entire project
24 site is situated within an emergent wetland mudflat
25 complex, and mudflats are considered special aquatic

1 sites and as such are afforded the same protection as
2 wetlands under the 404(b)(1) guidelines. That's from
3 the January 5th rationale.

4 And the current application is an
5 after-the-fact application. Ohio EPA has said that
6 any hearing on an after-the-fact application will
7 need -- it's treated as a category three wetland, and
8 administrative code rule 3745-1-05(B)(6) states that
9 where a wetland has been degraded or destroyed
10 without prior authorization will be considered
11 category three, and the entire complex is being
12 considered, not just that within the State property
13 lines. It's one of the few undiked wetlands along
14 the shoreline. So it's scarce regionally and
15 statewide. The channel and berm have, therefore,
16 been constructed within a category three wetlands.

17 And OCRMP objects to singling out a specific
18 location within this wetland complex, the mudflats,
19 and allowing extensive and permanent alterations. We
20 feel this would set a dangerous precedent, and the
21 entire altered area must be restored to its original
22 condition.

23 Now, the Corps will perform an environmental
24 assessment. We are looking forward to the
25 information provided should it include an alternative

1 analysis, and, actually, we have no objection to
2 Barnes Nursery getting irrigation water. The issue
3 is the adverse affect on the environment, and
4 economics costs are important for the -- from the
5 nursery's point of view. They must also be
6 considered for any degradation of the Sheldon Marsh
7 wetland, one of the top destinations for travel and
8 tourism in this area.

9 Erie County tourism contributes 19,500 jobs
10 to the local work force, annual total payroll of 253
11 million dollars.

12 LT. COL. De WILLIE: Ma'am, I'm going to
13 have to ask you to conclude your remarks, please.

14 MS. CHASE: All right, yes. So we
15 are concerned about wetland mitigation. I quote a
16 report from Ohio EPA, the mitigated wetlands are less
17 functional than the natural system, so we ask that
18 the permit be denied and that the full Marsh be
19 restored to its original condition without
20 mitigation. Thank you.

21 LT. COL. De WILLIE: Thank you. Gil
22 Steinen?

23 MR. STEINEN: I'm Gil Steinen the
24 Steinens have lived at the farm, Steinen Farm, at the
25 east end of Perkins Avenue, which is near Barnes.

1 LT. COL. De WILLIE: Sir, could you step a
2 little closer to the mic?

3 MR. STEINEN: Start at the
4 beginning?

5 LT. COL. De WILLIE: Yes.

6 MR. STEINEN: Can you hear me?

7 LT. COL. De WILLIE: Yes.

8 MR. STEINEN: Okay. I'm Gil
9 Steinen. The Steinens have lived on their farm at
10 the east end of Perkins Avenue, which is near Barnes
11 Nursery, since the 1860s, and we have watched many of
12 the changes that have taken place in the wetlands in
13 the area.

14 Plum Brook, which flows through our farm, was
15 once a deep, clear water stream in which you could
16 watch all kind of fish swim. Northern Pike spawned
17 in the pond. We had about 1,000 acres of cattails
18 that covered the area behind our farm. The property
19 owners did not cause the lifeless mudflat that we now
20 observe.

21 In the 1940s the Plum Brook was used as an
22 open sewer, and it ran red with acid and silt. The
23 silt filled the creek and the ponds. It killed the
24 vegetation and killed wildlife.

25 In 1970 a hole developed in the Old Cedar

1 Point Road, which was acting as a dike to protect the
2 now called Sheldon Marsh, at that time it was
3 Wyandot. The wave action loosened the vegetation
4 covered bog, which is lighter than water. The bog
5 and the vegetation then popped to the top like a cork
6 and small islands and enlarged islands floated out
7 into Lake Erie through the hole that was left from
8 the Old Cedar Point Road.

9 The 300 to 500 acres of wetlands that the
10 Ohio Division of Natural Resources purchased is now
11 mostly Lake Erie and mudflat. A small portion still
12 remains an active wetland.

13 We need deep water in the area to protect the
14 muskrats and the fish so they can survive because it
15 freezes to the bottom in the winter. The Barnes
16 project could be the first step in returning the area
17 to a productive wetland.

18 The deep water, the islands that can be
19 utilized by the wildlife and the question of the silt
20 has become a concern. For over 20 years we have been
21 concerned about the silt that has been caused by the
22 wave action eating away at the north end of our
23 farm. It has taken many acres of soil out into the
24 Bay and Lake Erie. Our efforts to stop this silt
25 were stopped by the Ohio Division of Natural

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1 Resources. We hope these issues with the Barnes
2 project can be resolved and Barnes be allowed to take
3 the first step. Thank you.

4 LT. COL. De WILLIE: Thank you, sir. Don
5 Barth.

6 MR. BARTH: Good evening. I'm Don
7 Barth from 101 Cedar Point Roadway. I've lived there
8 47 years, and I've been in what was the Wyandot Marsh
9 when I was six years old, which is now Sheldon. And
10 then in 1941 when the T and T started dumping the
11 acid into the ditch out on Campbell Street, come
12 right down Plum Brook Creek there into the Marsh
13 destroying it.

14 And then the first dredging that took place
15 in there was in late 1958 and early '60s. It was
16 done -- the people that had the property was Dr.
17 Harold Lee Harris, which is buttoned right on to
18 where Sheldon had property, and the other ones down
19 on the opposite end of this shoreline was Jimmy and
20 Chuck Corso from the greenhouse, and out in the
21 Wyandot Marsh itself, which Paul Hogan owned, he did
22 the dredging out there, and by the year 1968 there
23 was more wildlife in there than from when it started
24 to get destroyed in '41, and it built up with muskrat
25 houses, you could almost jump from house to house,

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1 and that was in 1968, and that's the best that Marsh
2 has looked for all these years.

3 And then November 14th of 1972 that beach
4 creek there for about 200 feet, and then in March of
5 '73, the 16th of March of '73, they tore that beach
6 out for probably most of the length to the pumping
7 station, and it's been rolling everything in there
8 since, and I can stand at my house at that bridge and
9 watch from the first 18 years the ball going out into
10 the lake, one black streak going out into the lake.
11 Then you get a northeaster, and you get pieces of bog
12 up on your front roadway as big as kitchen tables or
13 bigger, and that's where it stands today.

14 And I don't see a bit where Barnes is
15 destroying anything by dredging back there to build
16 this wildlife farm, these irrigation ditches. Thank
17 you.

18 LT. COL. De WILLIE: Thank you. Next is
19 Victor Nielsen or Hector Nielsen; is that correct?

20 MR. NIELSEN: Victor. Yes, I
21 didn't -- I'm surprised I came here tonight. I've
22 been reading about this Barnes in the paper, and I'm
23 just angry about it. My father and uncles opened
24 Nielsen Marsh over on -- and they developed the
25 commercial bridge. They had about four or five

1 different levels. We irrigated the Marsh. This is
2 50, 75 years, and all I can say is this, my dad
3 always said fresh water is the lifeblood of a good
4 marsh. Thank you.

5 LT. COL. De WILLIE: Scott Duncan.

6 MR. DUNCAN: Good evening. I have
7 two major issues that I'd like to address relative to
8 the proposed project. I think when the Corps of
9 Engineers does its environmental assessment it's
10 really charged with trading off the business cost
11 against the potential environmental harm.

12 My concern about the project as presently
13 proposed is it appears to me that the business cost,
14 the cost of getting water through alternative
15 methods, has been significantly overstated, and the
16 potential for environmental harm has been drastically
17 underestimated, and the restoration quality of the
18 project has been overstated.

19 With regard to the business implications of
20 the project, I took the tour offered by Barnes to
21 make sure that I understood what was really taking
22 place on the property, and, quite frankly, I was
23 surprised at what I saw. The 350,000 gallons per day
24 of water that is being requested is being used to
25 irrigate what is called a container farm. This is

1 basically plants and containers that could be readily
2 located anywhere. There's 7 to 15 acres of
3 containers there. By my calculations we have the
4 capability of putting between five and ten inches of
5 water on those containers per week. The rule of
6 thumb for irrigated crops is that you need about an
7 inch of water per week.

8 Barnes further stated that about 60 percent
9 of the water is returned to the Lake. If this is the
10 case, since we're dealing with a gravel bed, it would
11 be very easy to recover any overflow water. It would
12 seem to me that the water could be recycled, and that
13 puts the cost over estimate at over somewhere between
14 10 and 20 times actual cost. When you got some real
15 cost numbers I think you can come up with a different
16 cost benefit trade off.

17 With respect to the environmental impact, I
18 think that the real issue is Sheldon is a tidal
19 marsh, it's always been a tidal marsh. The creeks
20 that are in the marsh are very transitory.

21 Edwin Mosley, when he looked at it in 1900
22 said that 200 years before that all the creeks had
23 run out to the lake. Maps that you look at of where
24 the black channel was at various points in time show
25 a great deal of variation. There was a detailed

study of the Marsh done in 1988 that showed no creeks at all, even though the Marsh was sounded in six or eight different profiles across it. During that period of time the water was pretty much free to flow through a number of inlets through the barrier beach, and so I think that's the reason the creeks didn't show up.

I think the existing creeks, which we all know are there, and the Applicant has shown and has said is the historic Black Channel, I suspect that those creeks have occurred since the barrier beach rebuild in the period of time between '86 and '96.

The other thing that --

LT. COL. De WILLIE: Sir, I'm going to ask you to conclude your remarks.

MR. DUNCAN: Sure.

LT. COL. De WILLIE: Thank you.

MR. DUNCAN: One final point, I think that the flow out through the Sheldon Marsh inlet has drastically impacted the Cedar Point beach. That happens to be the area where I live. Tom Brave, who is the most recent researcher to look at it, says there's five million cubic meters of sand taken in reef to form that beach. If you look at where that sand could have come from, it was probably

1 stripped off of the Cedar Point beach. Thank you.

2 LT. COL. De WILLIE: Thank you, sir. Pat
3 Krebs?

4 MS. KREBS: Lieutenant Colonel
5 Willie, I'm Pat Krebs. I live in Huron, but my
6 husband and I own about 25 acres that is surrounded
7 by Sheldon Marsh. We bought part of the farm that is
8 the upland where Sheldon Marsh abuts the hundred year
9 flood plain. For ten years we've spent time and
10 money to become a private nature barrier to a nature
11 preserve that we totally believe in.

12 We felt when we saw the dredging dike, what's
13 going on? Why aren't the laws working here? Who was
14 the authority that allowed this? When we looked into
15 it, we could not get any information. The permits
16 were alluded to, but were not on hand.

17 By the time we were able to get these and
18 researched it, we found out NWP 27 had nothing to do
19 with the category three wetlands, the dredging, any
20 of the parts that were being done were considered not
21 applicable as you deemed so in January to what was
22 going on, but it continued to go on until it was
23 stopped in the end of July.

24 We feel that there were a lot of laws broken,
25 a lot of permits alluded to that haven't been there.

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1 The one from his property into the wetland has a
2 permit in name only, nothing to be seen. The NWP is
3 not appropriate.

4 There's dig on the other side. The abuse,
5 misuse of NWP 27 seems to be setting a precedence
6 that's do it wrong and then go back and get it after
7 the fact, and this is not just for here, but for the
8 whole nationwide permit program when you consider
9 wetlands.

10 We feel that the thing has changed its face
11 since the fish and wildlife said because of the value
12 of this area to fish and wildlife resources it's
13 valued as one of Lake Erie's last remaining coastal
14 wetland areas. It's a value to the endangered pipe
15 plover and the threatened bald eagle, and it is a
16 relatively undisturbed nature. The service
17 recommends that the permit as proposed be denied.

18 And as the State ODNR says, after reviewing
19 these concerns and considering the impacts of the
20 proposed activity on the beneficial function of the
21 Sheldon Marsh complex important to the public
22 interest, ODNR believes that the negative impacts
23 this project will have on unique resources of the
24 State far outweigh the benefits the project will have
25 to one individual business.

Based on ODNR consistent denial, and that's the Coastal Management Plan of the project, the Corps may not authorize an individual permit for this project, therefore, ODNR respectfully requests that the Corps order full restoration of this unique area as soon as possible.

We feel as -- I'm the co-chair of Friends of Sheldon Marsh, and we as a group with like public interests speak for those who feel they can't speak because of the physical influence of the people in the community that do have power, and they are -- they contribute to charities, to business, to jobs, to everything else, and there are a number of people who say, we value our jobs, we can't say anything. So I am speaking for these with their permission.

I'm speaking for the children that need to come in the future and enjoy this untouched Sheldon Marsh nature preserve area, which is a complex. If we lose it, if we lose the birds, if we lose the things that people come to study in this last remaining place, the only one of its size in Lake Erie, we've lost a lot.

And we really want you to deny this permit with the information that has come from everywhere, and we'd like to see it restored as soon as possible

1 to its condition that allows nature to naturally take
2 its own course. Thank you very much.

3 LT. COL. De WILLIE: Thank you. Charles
4 Brown?

5 MR. BROWN: Thank you, Colonel.
6 I'm a lifetime resident of Sandusky. I've lived in
7 Sandusky for 28 years. If you look back in history
8 you'll find that that Cedar Point Chausee or
9 Causeway, whatever you like to call it, was created
10 by riffraff, mattresses, anything they could get
11 their hands on to build that barrier out across from
12 the Marsh. Without that there would be no Sheldon
13 Marsh. Probably the water would have been up during
14 high water up to the railroad tracks.

15 Now, I've heard what the Barnes folks are
16 doing, and I see nothing but a plus. I see a
17 beautiful pond that is a great nesting place, that's
18 a great feeding place, that's a great place for ducks
19 to swim. I saw a bald eagle sitting in a tree about
20 50 yards away from the pond. I see nothing but plus
21 with what they have done, and if that is an
22 indication of how they're going to complete it, it's
23 going to be beautiful.

24 I have one request to ask of you, Colonel.
25 Would you look into dredging the channel? That's

1 going to give us a lot of help as far as water
2 circulation is concerned.

3 LT. COL. De WILLIE: Sir, look into dredging
4 what channel?

5 MR. BROWN: The Black Channel. It
6 used to start above where the water tower is at the
7 Cedar Point Chausee and ran almost straight to the
8 property, and if that were dredged out, we'd be
9 having pretty good circulation.

10 But, again, I hope that you okay this permit
11 because what I see is a plus. I don't see anything
12 negative. I see nothing negative.

13 I worked for the Division of Shore when I was
14 a young man all the way from Pymatuning Reservoir to
15 the Maumee River in Toledo, and I see nothing in this
16 project that is going to deteriorate that Marsh.
17 Thank you very much.

18 LT. COL. De WILLIE: Thank you, sir. Glen
19 Bernhardt.

20 MR. BERNHARDT: Hello. I'm Glen
21 Bernhardt. I live in Huron County in Brownsmith
22 Township just south of Norwalk.

23 When I first set foot on Sheldon Marsh 39
24 years ago in 1962 when it was then known as Sheldon
25 Folly, it was as Mrs. Barnes and several other people

1 described, a great cattail marsh, and it was indeed
2 alive with wildlife. There were black terns and leaf
3 spinners and American bitterns, but the natural thing
4 occurred, the water levels in Lake Erie changed and
5 the water got higher, and the plants that were in the
6 Marsh adjusted to that and changed, and many of the
7 cattails left and other emergent plants took their
8 place. It was a natural, dynamic thing.

9 The water was high for nearly 20 years, and
10 during that time a great deal of wildlife still
11 occupied the Marsh. Not the black terns and the leaf
12 spinners, but many other species. I personally would
13 estimate that I've seen nearly 200 species of birds
14 at Sheldon Marsh. Now, we are in a low water
15 period. It's a natural occurring thing. It's a very
16 dynamic thing.

17 And, again, to emphasize what Sheryl Young
18 indicated, these what some people consider barren
19 mudflats are alive with wonderful birds in migration
20 now. There are sandpipers and there are phalaropes
21 and there are other species, which actually have not
22 been seen there for a few years until this low water
23 period, but eventually the Lake will rise again, and
24 it will be a natural occurring thing.

25 I have on several occasions heard Dr.

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1 Herdendorf describe how the activities of humans have
2 been creating a sand start system there and affecting
3 the barrier beach, and that is unfortunately no doubt
4 true. I have no reason to doubt this authority,
5 however, I would just say if humans have caused part
6 of that change already, why take a chance and allow
7 additional human influence whose repercussions we
8 might not fully understand until it is too late.

9 I ask you to deny the permit and restore the
10 current construction to its natural site in Sheldon
11 Marsh. Thank you very much.

12 LT. COL. De WILLIE: Thank you, sir. John
13 Ritzenthaler?

14 THEREUPON, Public Hearing Exhibit 7 was
15 marked for identification.

16 MR. RITZENTHALER: Good evening, Colonel.
17 I am John Ritzenthaler, Director of Habitat
18 Conservation, and I speak tonight on behalf of the
19 National Audubon Society in Ohio. These comments are
20 submitted in opposition to the individual permit
21 submitted for the after-the-fact authorization of a
22 project in Sheldon Marsh.

23 The National Audubon Society is a
24 100-year-old national conservation organization with
25 a strong presence in Ohio where we have over 27,000

1 members and 21 community-based local chapters, and
2 you've heard from Firelands tonight. Audubon has a
3 long-standing and deep interest in wetlands as they
4 are the most threatened ecosystem in Ohio.

5 The consequences of a project such as the one
6 you are considering can be detrimental to Sheldon
7 Marsh complex, an impressive example of a category
8 three wetland in Ohio.

9 Audubon Ohio's positions are based on a
10 moderate, solution-orientated and scientifically
11 sound approach, therefore, we are concerned when a
12 project impacts a wetland complex that involves the
13 category three wetland of a State nature preserve.

14 Our concerns with the project can be
15 generally grouped into two areas. One, that the
16 permit activity to date has been a flawed process.
17 Two, that the effects upon the bird life of Sheldon
18 Marsh have not been adequately considered.

19 In granting the original nationwide permit
20 27, the Corps began a process which was flawed in
21 intent and execution. In June 2000 the general
22 nationwide permit 27 was granted to create deep water
23 habitat and waterfowl nesting islands. Based on the
24 elements of noncompliance with the terms and
25 conditions of the permit, the Corps officially

1 suspended the original permit.

2 Further investigation determined that that
3 nationwide permit is inapplicable because the
4 essential element of the project as you've written
5 provide a constant water supply for support of
6 nursery operation rather than habitat enhancement.

7 Since this type of project does not allow the
8 authorization of water supply activities to work done
9 under the NWP 27, was not conducted with the intent
10 that was communicated in the permit application.

11 Beyond that, the work performed exceeded
12 permit specifications. With the demonstrated breach
13 in the original permit, we cannot agree to overlook
14 either the lack of a proper permit process or the
15 failure of the applicant to follow permit
16 guidelines.

17 Audubon is concerned about the apparent
18 deficiency in the original review process and the
19 unjustifiable violation in the conduct of the
20 permit. We maintain that neither the applicant nor
21 the Corps be allowed to correct these flaws at the
22 expense of the wetlands and the public.

23 We appeal the appropriate oversight by the
24 Corps and strict adherence to the conditions of
25 permits.

1 LT. COL. De WILLIE: I'm going to ask you to
2 finish.

3 MR. RITZENTHALER: Our second point is
4 that the National Audubon Society has designated
5 Sheldon Marsh as an important bird area. Throughout
6 the world important bird areas are sites critical to
7 bird conservation, and through a science-based
8 process 87 important bird areas have been identified
9 in Ohio of which Sheldon Marsh is one.

10 You've heard some of the testimony about the
11 birds that use Sheldon Marsh, and because of that we
12 recognize that this permit applicant has an interest
13 in solving a problem in the business that he is
14 facing. We are sympathetic to that, however, we
15 still insist that the Corps fully investigate the
16 questions of effects on birds and other wildlife in
17 the permit process.

18 We ask that any permit considered in the
19 Sheldon Marsh wetland complex be thoroughly
20 researched in regards to birds and other wildlife.
21 Until it can be shown that actions at a site such as
22 Sheldon Marsh will not negatively impact bird life,
23 we ask that the Corps deny the permit and furthermore
24 require restoration of any work already done by the
25 Applicant. Thank you.

1 LT. COL. De WILLIE: Thank you, sir. Twila
2 Whitmore.

3 MS. WHITMORE: Good evening. I come
4 to you just as a neighbor of the area, as a resident
5 that has no particular expertise other than
6 observation and what I have read rather extensively
7 about wetlands and how they act and the importance.
8 I try to spread that word to everyone that gives me a
9 chance to talk about it.

10 In the area I was excited, and the reason
11 that we went there was because of it being natural,
12 and the first couple minutes we were there, I was
13 able to count 20 different kinds of ducks. I saw
14 many kinds of show birds, but I can't identify them.
15 I can't tell you how many.

16 I have read extensively opinions about this
17 area, and there's one person that expressed a lot of
18 things, I'd like to kind of summarize the parts of
19 that I agree with completely, and that is Wayne
20 Warren, and he said, to permit any activity that
21 could and likely would be harmful to one of the best
22 migrant shorebird staging areas on Lake Erie would be
23 irresponsible.

24 Using dredge soil to create a waterfowl
25 nesting island was merely the cheapest way of dealing

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1 with the soil, and the seemingly environmentally
2 friendly waterfowl nesting island is terminology
3 created to help sell the project. The Canada goose
4 is the only species that might utilize these mounds.

5 ODNR strongly disagrees with the notion that
6 the project area isn't contained in a wetland. The
7 area is part of the Sheldon Marsh wetland complex and
8 cannot be dissected out individually.

9 Sheldon Marsh should be vigorously protected
10 from any sort of intrusion, both now and in the
11 future. The impact of the dike and channel is
12 isolation of a major part of the Marsh and its
13 watershed. The Marsh is dependent on Lake Erie for
14 water and dependent upon uplands for its nutrients
15 and surface runoff of rain. The flow from the upland
16 to the wetland would no longer be sheet flow, which I
17 believe to be very important. Some points would
18 receive more water than usual and others much less.

19 The final paragraph really is what I believe
20 very strongly. The presence of a dike channel along
21 the south side of the wetland area of Sheldon Marsh
22 permanently alters the hydrology of this wetland. To
23 restore the natural hydrology of the wetland area, to
24 prevent further degradation of Sheldon Marsh due to
25 sedimentation of material eroded from the dike

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1 causing turbidity and to avoid degradation of the
2 barrier beach due to maintenance dredging, the dike
3 and channel should be removed and the wetland
4 restored to its preconstruction condition.

5 That's my sentiments exactly. For this and
6 many other reasons I urge you to not allow what I
7 believe to be the destruction, not further
8 restoration, of this beautiful, naturally functioning
9 wetland area. Thank you.

10 THEREUPON, Public Hearing Exhibit 8 was
11 marked for identification.

12 LT. COL. De WILLIE: Mary Warren?

13 MS. WARREN: My name is Mary
14 Warren. I am employed as a naturalist by ODNR, but I
15 am here tonight as an ordinary citizen, one who has
16 lived in the area for 50 years, one who has enjoyed
17 the beauty of our green spaces, and one who has
18 watched our green spaces disappear or be degraded.

19 I would like to speak for those who have no
20 voice to speak, for those who cannot be here tonight
21 and for those present here tonight who are unable to
22 speak for whatever reason.

23 First, I speak in defense of clean water.
24 Altering the ecosystem will have a negative impact on
25 the natural filtering system of this Marsh. Clean

1 water, in turn, affects the plants and wildlife that
2 depend on clean water.

3 Everything in nature is connected in some
4 way. When we change one thing, it affects many other
5 things. Things like water, plants and wildlife that
6 have no voice to protest, I speak for them.

7 I speak for all of those persons who want to
8 see this permit denied, but who could not be here
9 tonight. One person in particular asked me to carry
10 this message, please emphasize the fact that we have
11 so little public shoreline left in this State. It is
12 crucial that we protect the quality of what we have
13 left.

14 I also speak for my five grandkids, all of
15 whom have hiked with me at Sheldon Marsh. I told the
16 oldest one, who is 12, where I was going tonight and
17 asked her what I should say. She said, Grandma, just
18 tell everyone that we want the Marsh to stay the same
19 so that the turtles and the birds and the fish are
20 happy.

21 Finally, I speak for the many of you present
22 tonight who feel that this permit should be denied,
23 but for whatever reason are unable to come forward
24 and speak.

25 Let us not compromise when it comes to our

1 natural world. Please deny this permit and restore
2 Sheldon Marsh to the way it was. That is the only
3 course of action that is in the best interest of
4 people and wildlife. Thank you.

5 LT. COL. De WILLIE: Thank you. Steve
6 Macionsky.

7 THEREUPON, Public Hearing Exhibit 9 was
8 marked for identification.

9 MR. MACIONSKY: Thank you, Colonel.
10 Thank you, Mike. Environmental destruction may be
11 the best way to describe what happened at Sheldon
12 Marsh starting in 1999 and again in June and July of
13 2000.

14 There is never a dry season at the Marsh
15 contrary to the advertising that's been done. A few
16 days or a week or two, but never a season has been
17 mentioned. A season is far too long. The Marsh
18 always bounces back with rain or a northeaster.

19 Also, there's always deep water along Willow
20 Road, that's the Cedar Point Chausee, and through the
21 Black Channel which runs along the south side of
22 barrier beach. This is the true Black Channel, a
23 long way from the south shore of Sheldon Marsh, owned
24 by the Barnes and the other four property owners.

25 Have no fear, God will restore circulation

1 all by himself as he does in all marshes and
2 wetlands.

3 There's been a couple statements made also.
4 One is, the point retreat marina channel was cut into
5 the sandbar. That is a flat out untruth. Any
6 environmentalist or conservationist should know
7 that. Please verify this with the Army Corps and all
8 State and Federal agencies. We have never even
9 dredged our marina once, not one time.

10 What will stop the dredging, digging and pond
11 construction? What's next? It's a shame they're
12 trying to destroy the Marsh with shovels and perhaps
13 bad propaganda. We don't know the extent of the
14 waterfowl, shorebirds, fish and plant depletion. We
15 can easily see there are less of each since last
16 July.

17 We live the closest to the Marsh of anyone
18 and four stories above it. We see it all daily.
19 Now, discussing the mudflats is a positive compared
20 to the negatives given to the public. Most
21 scientists and biologists know that mudflats are
22 essential to a marsh, any marsh.

23 Now, concerning drilling, Mr. Barnes said he
24 drilled for water in 1981 and was unsuccessful.
25 Conditions can change over the years. Please

1 experiment on your own property, not at Sheldon
2 Marsh, a category three wetland, pristine, fragile
3 and irreplaceable. I think a lot of people agree
4 with that statement.

5 We think it is important to save one part of
6 the five percent of the wetlands left on Lake Erie.
7 Just as President Bush is restoring the Florida
8 Everglades, we, the citizens of Ohio, want Sheldon
9 Marsh restored to its pre-destruction condition with
10 no exceptions.

11 Regardless of the reasons, it is evident that
12 construction is destroying the Marsh. We don't know
13 what the CCCMB or anybody had in mind. We don't care
14 at this point, just fix it. Another permit could be
15 an instant lawsuit to resolve things once and for all
16 to save Sheldon Marsh. Whatever it takes for
17 complete closure. Thank you very much.

18 LT. COL. De WILLIE: Thank you, sir. Ed
19 Coanors?

20 MR. TOOMEY: Good evening. My name
21 is Ed Toomey. I live in Huron Township, Erie
22 County. I'm president of a local company and an avid
23 outdoorsman, and I do speak also for many of the
24 outdoorsmen and sportsmen.

25 LT. COL. De WILLIE: Sir, excuse me. One

1 quick question. I called and I said Ed Coanors. Did
2 you say your name was --

3 MR. TOOMEY: I'm Ed Toomey. I
4 thought you called Ed Toomey.

5 LT. COL. De WILLIE: I'm sorry. The name on
6 the card is Ed Coanors of Westerville, Ohio. Is he
7 in the room? I'm sorry. I will get to you, sir.

8 MR. TOOMEY: Okay.

9 LT. COL. De WILLIE: Excuse me for my
10 interruption here. Okay. Kelly Lamb.

11 MS. LAMB: Good evening, Colonel.
12 My name is Kelly Lamb. I'm a mother of two. I live
13 in Erie County, and I am a chemistry teacher.

14 There's two reasons that I'm here. The first
15 reason is for my children. Like I said, I have two
16 of them, and we go walking at the Marsh just about
17 every other day in the summertime, and my son is
18 two-and-a-half, and as soon as we get within 100
19 meters of the place he starts to say, walk at
20 Sheldon's, Mommy, and he's all ready to go. So my
21 kids love the place. I love the place.

22 We've watched it change over the years, but
23 as a chemistry teacher has made me understand that
24 that's part of the natural process of things.

25 And the second reason I'm here is for my

students. I like to bring, especially my environmental science students, out to the Marsh, and it's so nice to see their expression. Some of them who being in Sandusky, they have not been to an area where they look around and don't see land development. For them, for some of them, just their expressions are worth all the permission slips and hard work and I have to go through to get them out there.

But the reason I bring them despite all that is Sheldon Marsh allows me to apply science principles that we talk about in the class. We've talked about how the Marsh acts as a kidney cleaning out the pollutants and filtering the air. We also have beach clean up out there. We've also recently discussed some of the politics behind the whole thing.

I also bring them up there because I can't take them to a place like the Amazon or the Great Barrier Reef. Some of you may be thinking a marsh isn't a Great Barrier Reef, but the truth is we often don't appreciate what's in our own backyard.

In fact, I really didn't appreciate it until I was sitting in class at the University of Notre Dame and my professor, Dr. Carlton, he pointed to the

map and he said, Sheldon Marsh State Nature Preserve is what ecologists refer to as the jewel of the western basin due to its diversity, and I thought, hey, that's where I live and I was all excited about that, but that's helped me appreciate and take a step back and realize what we have.

I don't want my students, I don't want my children to take our environment for granted. I want them to help realize that immersion is a pure and pristine environment, and volunteer work for things that fill the soul, to fill the empty void that is sometimes a feeling in us.

For my children, for my students, I ask that you deny this permit, and you find -- look scientifically at the problems that might be caused by this dredging and weigh those things before permitting this. Thank you.

LT. COL. De WILLIE: Thank you.

THEREUPON, Public Hearing Exhibit 10 was marked for identification.

LT. COL. De WILLIE: Eleanor Damm.

MS. DAMM: I'm here representing all the people who walk out to the Marsh daily. My husband and I have walked out there almost daily for many years, and we've watched the Marsh expand and

contract with the wetness or dryness over the years. Right now we're in a dry year, but I would tell Mr. Fisher that I have seen muskrats out there up until the last year when there was more water out there.

The wildflowers out there are beautiful, the fish when there's enough water out there. The bay and lake are already low. So to drain more water out seems terrible. This is a treasure that we have and we want to keep, and I would ask you to deny this request. Thank you.

LT. COL. De WILLIE: Thank you. Earl Hammond.

MR. HAMMOND: Colonel, my name is Earl Hammond, and I am a lifelong resident of Sandusky, Ohio. The Sheldon Marsh was left by Dr. Sheldon and his family to our community and to the public to enjoy wildlife and nature. It is one of the few areas in the Sandusky area that has not been developed or is private property.

It is a natural habitat for all forms of wildlife. It is in a fly way area for many migratory birds and it provides habitat for many, many nesting birds. It is a wetland that is essential to many forms of wildlife, too.

I'm deeply interested in all aspects of

1 conservation in wildlife, and I hope to have Sheldon
2 Marsh remain as a refuge for present and future
3 generations. Thank you.

4 THEREUPON, Public Hearing Exhibit 11 was
5 marked for identification.

6 LT. COL. De WILLIE: Susi Brown.

7 MS. BROWN: Lieutenant Colonel, I
8 am reading from a letter submitted by Dr. Gene
9 Kritsky, who is a professor and chair of health
10 sciences at the College of St. Joseph in Cincinnati,
11 Ohio.

12 He writes, I would like to add my objection
13 to the granting of the individual permit to Robert W.
14 Barnes. I do so based on my research on the status
15 of the tiger beetle *Cicindela hirticollis*. This is a
16 type of beetle that used to be common throughout the
17 State of Ohio. During the past century it has
18 declined.

19 During 1996 through 1998 my students and I
20 surveyed all locations where this type of beetle had
21 been collected in the past. Our findings revealed
22 that this beetle is now restricted to the Lake Erie
23 region with the largest breeding population residing
24 at Sheldon Marsh.

25 Fortunately, he writes, the largest

1 population occurs in a State nature preserve and is,
2 therefore, protected. That protection will be
3 compromised if this permit were approved.

4 Our conclusions were that this beetle had
5 declined in Ohio because of road construction, flood
6 control, irrigation and development. These actions
7 are similar in nature to those that are being
8 requested in this permit.

9 People might scoff at the notion that we
10 should be concerned with a beetle. However, two type
11 of beetles are the focus of major repatriation
12 efforts by the Federal government. These efforts are
13 costly and are being met with limited success. It
14 would seem the most cost-effective and prudent action
15 would be to protect populations already thriving
16 rather than go back and hope to restore a lost
17 population.

18 Tiger beetles have long been used as
19 bioindicators of habitat destruction because they are
20 particularly sensitive to land use. They are likely
21 the first animals to decline when land use is
22 inappropriate.

23 It is critical that Sheldon Marsh be
24 maintained in as pristine condition as possible in
25 order for us to protect this beetle. Therefore, he

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1 requests that you find for a complete restoration of
2 the Sheldon Marsh complex and deny the permit.

3 I'd like to add my own comment, that since
4 only five percent of Ohio's wetlands remain, we are
5 privileged to have Sheldon Marsh here in our area
6 open to all of us to visit.

7 Any destruction of any part of the Marsh is
8 harmful in some part to the whole ecosystem of the
9 Marsh, and since the Marsh is a category three
10 wetland, none of this should be taking place.

11 Therefore, I ask that this after-the-fact
12 authorization be denied and that the Marsh be
13 immediately restored to its pre-destruction state.

14 Thank you.

15 THEREUPON, Public Hearing Exhibit 12 was
16 marked for identification.

17 LT. COL. De WILLIE: Thank you. Richard
18 Dwight.

19 MR. DWIGHT: Mr. Willie, I'm Richard
20 Dwight. I'm also a neighbor of the Barnes. My wife
21 spoke earlier and described how close we are in
22 proximity. Not only that, we had most of our
23 landscaping done by Barnes and some of the makings.
24 I've taken care of some of their employees. Some of
25 their employees and the Barnes have been our friends

1 for years.

2 Last winter we were inadvertently plowed in.
3 We gave them a call, and they immediately sent
4 somebody over who was obviously somewhere else, came
5 over and cleared us out. We had a mailbox that was
6 knocked over by a plow. I don't really care who
7 knocked it over because they sent somebody
8 immediately and put our mailbox up. We're
9 neighbors.

10 I've also experienced what it's like when a
11 business leaves a town, for my own financial reasons
12 and seeing the people in the town. It's very
13 disconcerting, and over the time that a business
14 leaves, jobs leave secondary to the incomes of the
15 people here. It's very important, and I don't look
16 at that lightly.

17 I'm not the birder that my wife is, but I'm
18 also interested in the Marsh. I believe that --
19 well, I'm not against -- for sure I'm not against Bob
20 Barnes getting his water. I'm not against hunters or
21 sportsmen being down there. Obviously on the dike if
22 you look at it there are duck lines and decoys out
23 there that have been hunting ground. That's fine as
24 far as I'm concerned, but the natural area preserve
25 is not a wildlife preserve. It's not a managed

1 wetland or a managed wildlife preserve. It's a
2 natural area preserve.

3 We've heard and read in the paper that the
4 feasibility of other alternatives is contradictory or
5 contraindicated. I think those feasibilities should
6 be revisited. Obviously, the neighbors are quite
7 willing to have a 50-foot canal put across their
8 land, maybe they wouldn't like to have a pipe line
9 across their land. I don't know, but it seems to me
10 that a 50 foot by 5 foot depth canal is an awful lot
11 of water, even at 350,000 gallons a day.

12 There are alternatives. We don't want Bob
13 Barnes to have any complication for his business, but
14 the Marsh is important too. It is a natural area to
15 preserve. I've lived there, and there's very little
16 of it left, and we really should do as much as we can
17 to preserve it and look for alternatives for those
18 things that are in nature and to preserve that, too.
19 Thank you.

20 LT. COL. De WILLIE: Jim Caldwell?

21 MR. CALDWELL: Colonel, I'm here as a
22 citizen. My family moved here when I was five and a
23 half years old, that was in 1936. I've spent a great
24 deal of my life on, in and under Sandusky Bay and
25 Lake Erie, and I like what I have seen in the last

1 few years with those two bodies of water.

2 I am, however, unhappy as to what I see
3 happening to our wetlands in and along our shores.
4 I've known the Sheldon family for as long as I've
5 known Sandusky Bay and Lake Erie. I know the intent
6 of that family when this area was preserved, and I
7 think maybe we need to look at the Native American
8 philosophy, what we do to Mother Earth we do to
9 ourselves.

10 I would encourage the Corps of Engineers to
11 deny the permit on the presented configuration, that
12 other methods be explored, and during that time that
13 the work that has been done be undone and the Marsh
14 be returned to its previous condition. Thank you.

15 LT. COL. De WILLIE: Thank you. John
16 Krebs.

17 THEREUPON, Public Hearing Exhibit 13 was
18 marked for identification.

19 MR. KREBS: Colonel De Willie, I'm
20 John Krebs, a friend of Sheldon Marsh, and a lifelong
21 resident --

22 FROM THE FLOOR: We can't hear.

23 LT. COL. De WILLIE: Would you please
24 step closer to the microphone?

25 MR. KREBS: Can you hear me now?

1 FROM THE FLOOR: Yes.

2 LT. COL. De WILLIE: Okay. Thank you, sir.

3 MR. KREBS: I'm John Krebs, a
4 friend of Sheldon Marsh, and a lifelong resident of
5 the area, and a more than 50 year --

6 LT. COL. De WILLIE: Stay closer to the
7 mic. There you go.

8 MR. KREBS: 50-year frequenter of the
9 Sheldon Marsh area before it was even called Sheldon
10 Marsh. In fact, I used to wander through the old
11 Cedar Point entrance road and sand pit in the early
12 1950s before Dr. Dean Sheldon ever purchased it as
13 Sheldon Folly.

14 So I can tell you from personal experience of
15 rolling a shallow-draft marsh skiff through that area
16 that the so-called Black Channel ran immediately
17 south of the barrier sand pit, never anywhere near
18 the applicant's property, and certainly not in the
19 location of the present invasive channel. This is
20 pure fabrication by the applicant's hired
21 consultant.

22 There's no doubt in my mind that the Sheldon
23 Marsh project will become a landmark case for many
24 years to come citing the uses and abuses of NWP 27
25 and circumvention of wetland law using after-the-fact

permit techniques.

We commend you on your landmark decision of January 2001 to rescind the original NWP 27. That took courage. However, it was six months in the offing from the start of this project. The sad thing about this delay is that it's sent a bad message to would-be wetland destructors, and we now have an almost identical location violation just a few thousand yards west of the Sheldon Marsh property.

We certainly hope that the Corps will not take another year to decide what to do with this. We hope you will keep those long-term affects in mind when you make your decision to deny, and not with prejudice, this individual permit. Thank you.

LT. COL. De WILLIE: John Katko?

MR. KATKO: Good evening, Mr.

Montone and Colonel De Willie. I'm president and founder of Friends of Wetlands, which is a grass roots wetlands advocacy group with a mailing list of about 1,300 people and families mostly in northeastern Ohio who care about wetlands.

Poor Sheldon Marsh. It has been hemmed in by roads and starved of nutrients and structural materials by merciless human activities.

The geological and hydrological processes

1 that engendered it have been profoundly disrupted by
2 people looking to make money and create things of
3 their own design. For over 100 years little, if any,
4 thought has been devoted to existing in harmony with
5 natural forces of which Sheldon Marsh is but one of a
6 myriad of expressions.

7 Unfortunately, almost all of those habitat
8 expressions are gone or altered beyond repair.
9 Sheldon Marsh is one of the few that remain, and it
10 is laboring and being exhausted by our further
11 attentions.

12 The true remedy for the Marsh's and western
13 Lake Erie's problems is one that few if any of us
14 here tonight would countenance. Get rid of the
15 jetties, the armoring, the roads and allow natural
16 littoral processes to reestablish the dynamic,
17 locally shifting but broadly stable environmental
18 system that predated European settlement and
19 interference. But what have become of our ports, our
20 houses, our marinas, our commercial interests?

21 Sheldon Marsh is laboring mightily at the
22 hands of the human population intent on having its
23 cake and eating it, too. Of course, some of us like
24 chocolate cake and some of us like vanilla, so
25 there's considerable discord over the recipe. Some

1 of the solutions being offered up in the resultant
2 melee are better than others, but none is very good
3 for the Marsh.

4 I was very interested to read Dr.
5 Herdendorf's history of the impacts of human activity
6 on the Marsh. Although I'm still struggling to
7 understand it, I couldn't download the figures quick
8 enough for the application.

9 I think that the current hydrological and
10 ecological predicament of the Marsh is more involved
11 than that report seems to conclude, that is the
12 reentry of Sawmill Creek drainage fix things. And I
13 am sceptical, to say the least, of the overall
14 benefit of this project to the area ecosystem, and I
15 would refer here to the October 15, 2000 remarks of
16 ODNR's Wayne Warren.

17 I must confess, too, that I would be much
18 more willing to listen comfortably to the analysis
19 and suggestions of Dr. Herdendorf if they were not so
20 completely coupled with the commercial interests
21 present, and especially future, from Mr. Barnes.

22 As to the stated need of this project to
23 adequately hydrate the nursery I must profess almost
24 complete scepticism. I am convinced that the real
25 plans involve a marina or condos or both. The depth

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1 and width of the channel, the irregular way in which
2 it was permitted and constructed, the history or real
3 estate development in the area and other factors
4 concern me greatly.

5 In the ten years of my involvement in
6 specific wetlands development projects, the ways of
7 the developers have often reminded me of the strategy
8 of the python on its prey.

9 LT. COL. De WILLIE: Sir, I'm going to have
10 to ask you to conclude your comments.

11 MR. KATKO: The bird or mammal in
12 the clutches of the constrictor can hold its own
13 against the closing coils so long as it does not
14 breathe. With every exhalation and inhalation, no
15 matter how small and how quick the serpent takes it
16 advantage and restricts lung volume. This
17 restriction the snake does not give back. The
18 outcome is inevitable, sooner or later the life is
19 squeezed out of the hapless prey.

20 The developers do this with the laws and
21 regulations that appear designed to protect the
22 public welfare as it is manifested in many areas,
23 including natural habitats. Once they acquire one
24 permit, they use it to sue for the next. Once one
25 alteration of the natural character of a parcel of

1 real estate takes place, it presses inexorably for
2 the next stage of degradation.

3 One very recent example of this is the
4 reasoning given for the need to build an aerospace
5 parkway near NASA that is the need to maximize
6 commercial --

7 LT. COL. De WILLIE: I'm going to ask you to
8 conclude. Thank you.

9 MR. KATKO: Okay. Thank you.

10 LT. COL. De WILLIE: You can submit your
11 comments. I appreciate your time.

12 THEREUPON, Public Hearing Exhibit 14 was
13 marked for identification.

14 LT. COL. De WILLIE: Kathleen Bradley?

15 MS. BRADLEY: I have chosen not to
16 speak at this time.

17 LT. COL. De WILLIE: For the record, she's
18 chosen not to speak. John Pais?

19 MR. PAIS: Good evening. Thank
20 you for the opportunity to speak. I'm currently a
21 resident of Lorain County. We have a beautiful home
22 with a wetlands in the back, however, we have sold
23 our house and will be residing in Erie County. We
24 have a wonderful new lake front property.

25 I came tonight because there were a lot of

1 things that I heard about this project, and I was
2 hoping to get some answers to those questions. In
3 specific I was concerned about the way the process
4 actually occurred, and, unfortunately, I do have a
5 lot of concerns about the way that the process
6 allowed the permit to be exercised. Hopefully we'll
7 receive all the answers to that particular question.

8 Because we're leaving such a nice and
9 wonderful wetlands area, we're happy to know that
10 we're moving to an area that also had other wetland
11 opportunities for me and my family to enjoy, such as
12 Old Women's Creek and Sheldon Marsh, but it
13 distresses me that based on some of the testimony
14 I've heard tonight that a wonderful jewel of Lake
15 Erie is now being endangered.

16 I urge the Corps to deny this permit and ask
17 for restoration of the Sheldon Marsh complex to its
18 original state. Thank you.

19 LT. COL. De WILLIE: Thank you, sir. For
20 the benefit of the audience, just to call your
21 attention, there are a couple cards on the
22 registration table that had our web site. I will
23 submit to you it's got a very useful chronology of
24 events that unfolded to help you kind of piece that
25 together. If you don't have access to the web site

1 at your home, we'll gladly provide that to you if you
2 so indicate, come up to us after the meeting. And
3 also the complete file is retain at the Huron Public
4 Library as well. Judy Corso?

5 MS. CORSO: Due to the repetitive
6 nature of the comments, I will not speak.

7 LT. COL. De WILLIE: Okay. You decline to
8 comment, ma'am?

9 MS. CORSO: Yes.

10 LT. COL. De WILLIE: Okay. Thank you. John
11 Smith?

12 MR. SMITH: I'm John Smith from
13 Elyria, Ohio, and I represent Black River Audubon
14 Society, 450 members. I'm also president of the Ohio
15 Audubon Council which represents in excess of 25,000
16 members throughout Ohio and 21 Ohio Audubon chapters
17 which are a part of the National Audubon Society.

18 I heard a lot of comments about scientific
19 problems that could arise over this to Sheldon Folly,
20 which is a category three pristine area, a very
21 important one. I just have one thing to add. I have
22 taken many, many groups over the years, probably
23 hundreds of people, with importance to the shorebird
24 migration that have come through, the staging area
25 that we have, many types of birds that come through,

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1 some related to the marsh and swamp, the ducks and
2 the geese and so forth, and anything that would
3 interfere with this change in ecology should be
4 seriously considered.

5 I, at this point, sincerely deny the NWP 27
6 permit for this project. I thank you very much.

7 LT. COL. De WILLIE: Thank you, sir. Point
8 of clarification, the NWP 27 has been rescinded. We
9 are now involved in the individual permit process,
10 just for everybody's clarification. Donna Bretz?

11 MS. BRETZ: My name is Donna
12 Bretz. I live in Elyria, Ohio. I think one of the
13 most important things that we need to preserve is the
14 impact on endangered species, our threatened
15 species. I know other people have mentioned it, but
16 I think that's critical that we maintain what we have
17 right now with Sheldon Marsh and it not be ruined by
18 this project. Thank you.

19 LT. COL. De WILLIE: Thank you, ma'am. What
20 I'd ask is that for the next five minutes that we
21 allow the stenographer to -- okay, we'll keep going.
22 Kathryn Grote?

23 MS. GROTE: Hello. My name is
24 Kathryn Grote. My family has respectfully used the
25 wonderful State nature preserve for at least 25

1 years. Most importantly, I have used Sheldon Marsh
2 as a teaching tool and recreational area in raising
3 my three children, the oldest 26, the youngest 23.

4 I urge you to look to our sister State of
5 Michigan. Their lakes and their shores have been
6 preserved for everyone. We've had several trips to
7 Michigan, and we can walk anywhere just about and
8 have access to the lake and the lake shore, which we
9 don't have that opportunity in the State of Ohio
10 unfortunately.

11 This is our chance to save the integrity of a
12 small piece of shoreline that is available to young
13 and old, rich and poor alike. Only with the
14 foresight of the Sheldon family are we able to have
15 access to one of the few remaining pristine areas on
16 Lake Erie.

17 I urge you as a steward of our resources and
18 especially our few pristine treasures to deny this
19 permit in its entirety and to restore Sheldon Marsh
20 Preserve to it's pre-NWP 27 construction condition.
21 We do not want to settle for anything less than
22 complete restoration.

23 I have faithfully visited for at least 25
24 years Sheldon Marsh, and because of my love and deep
25 appreciation for such a rare treasure, I want to

1 point out that it not only belongs to the citizens of
2 Ohio, but nationally to all of us, that includes the
3 panel and everyone sitting in this audience tonight.
4 Please consider and restore this Marsh back in its
5 entirety. Thank you.

6 LT. COL. De WILLIE: Thank you. John
7 Blakeman?

8 THEREUPON, Public Hearing Exhibit 15 was
9 marked for identification.

10 MR. BLAKEMAN: Members of the panel,
11 Lieutenant Colonel, thank you. I'm John Blakeman of
12 rural Huron, Ohio. As a practicing local field
13 biologist, I was partially responsible for the
14 State's acquisition of Sheldon Marsh ecological
15 complex. In the 1970s I wrote the initial
16 environmental inventory assessment of the site upon
17 which the Ohio Department of Natural Resources
18 decided that this natural area was of prime
19 importance and should be preserved in public domain
20 under the Division of Natural Areas and Preserves.
21 From that information that I and other professionals
22 provided, the decision to preserve Sheldon Marsh was
23 made.

24 Because of that forward looking action, one
25 of Lake Erie's rarest environments, open, undisturbed

1 shoreline marsh, was preserved. As you know,
2 virtually all remaining marshes along Ohio's
3 lakeshore have artificially controlled water levels,
4 constructed dikes and other artificial management
5 contrivances related to waterfowl hunting, not to
6 natural area preservation. A few other areas are
7 natural lake processes, including the appearance of
8 shallow mudflats allowed to progress naturally,
9 undisturbed by human intervention.

10 National wetland laws and regulations
11 strictly limit such artificial intervention to
12 preserve and promote exactly the natural marsh
13 conditions of Shelby Marsh itself, not here for duck
14 hunting, nor for pleasure boat dockage at the base of
15 some future condominium complex, nor for artificial
16 bird nesting habitat, nor for irrigation. Simply
17 stated and plainly evident, is the intent of the
18 applicable wetlands protection laws, wetlands are to
19 be preserved, period.

20 In this case a bit of regulatory subterfuge
21 has been attempted. Sheldon Marsh is a marsh, and
22 any suggestion that substrates should be arranged so
23 as to provide deep water habitat is ludicrous on the
24 face of it. Marshes by definition are shallow.

25 A deep water habitat was never present at the

1 site in question, and there's no biological need for
2 such. It appears to be only an approach to engender
3 naive public sentiment. It has no biological
4 validity whatsoever. To claim that the project is a,
5 quotation, hydrology restoration project, closed
6 quotation, is to claim that the existing natural
7 marsh hydrology is somehow wrong. Clearly it is
8 wrong, but only for the future passage of pleasure
9 boats, not for the natural native wetland environment
10 that the law and your agency are to protect.

11 Likewise for the appeal to create islands for
12 bird and nesting habitat. One can just as
13 legitimately propose the complete filling in of the
14 marsh wetland and planting of a forest for warbler
15 and woodpecker nesting habitat. Yes, birds would
16 nest at either contrived habitat, but a contrived
17 bird habitat is not a permissible trade off for the
18 destruction of a class three wetland.

19 The petitioner's points made even here or in
20 previous applications or in public advertisements are
21 invalid. Number one, the creation of deep water
22 habitat is ecological, regulatory and public
23 relations subterfuge, it should be summarily denied.

24 Number two, likewise, the contrived creation
25 of upland or other bird nesting habitat not currently

1 present on the site should be regarded for exactly
2 what it is, a similar ecological, regulatory and
3 public subterfuge without substance or validity.
4 Finally --

5 LT. COL. De WILLIE: Sir, you have one
6 minute to conclude.

7 MR. BLAKEMAN: Thank you. Finally,
8 number three, the potential high cost of conventional
9 sources of irrigation water cannot be a factor in the
10 authorization of any wetlands disturbance or
11 disruption. The wetlands protection law was a direct
12 result or similar economic depredations on wetlands.
13 One could likewise claim that a prohibition of the
14 construction of a marsh pleasure boat channel with
15 eventual access to Lake Erie proper would diminish
16 the value of adjacent land as condos with attached
17 docks could not then be constructed. In short,
18 economic hardships by law play a part in your
19 authorization.

20 You are mandated to protect the pristine,
21 rare and ecological value of the existing
22 preconstruction marsh conditions unique to this rare
23 site. Consequently, as a biologist intimately
24 involved with the ecology of the site and its
25 environment, I strongly suggest denial of any

1 additional disruption of the marsh habitat related to
2 the matter at hand, and the existing environment
3 disturbances must be restored quickly and accurately
4 to the original condition. Respectfully, thank you.

5 LT. COL. De WILLIE: Thank you, sir. Sally
6 and Erle Ellis?

7 MR. ELLIS: I'm Erle Ellis. We own
8 a residence at 403 Cedar Point Road. My wife moved
9 over there in 1940.

10 As I was driving up and down Cedar Point Road
11 today I saw sprinklers running because we need some
12 rain to water our lawns. We're paying our bill for
13 water there, because I tell you what, until this
14 marsh came up that Barnes Nursery was getting free
15 water. I don't think there's a lot of businesses
16 that get a major cost of their expenses free. So
17 they can drain out of the bay area for quite some
18 time and then complain when the water is so low. I
19 think part of it is my water is going for --

20 LT. COL. De WILLIE: Please hold down the
21 commentaries in the crowd.

22 MR. ELLIS: And know they want
23 350,000 gallons a day. My wife moved there in 1940.
24 The Barnes got there in 1950. My wife is a family of
25 three. The Barnes started as a business of four.

1 Now, they've got 150. Perhaps the Barnes have
2 outgrown this location, because they've sure run out
3 of water and so are we. Perhaps if they gave back
4 the water they've taken, we'd have higher water in
5 the bay right now. Perhaps they need to find another
6 location. I wonder where the other nurseries get
7 their water? Thank you.

8 LT. COL. De WILLIE: I'll ask you one last
9 time to please refrain from comments while somebody
10 has the floor. Thank you. Michael Dresser?

11 MR. DRESSER: Thank you, Colonel,
12 thank you, US Corps members that are here. My name
13 is Michael Dresser. I'm an Erie County resident, and
14 I would just like to briefly summarize some things
15 about the Barnes family, because there's more
16 knowledge here than I have about all the scientific
17 basis.

18 Barnes now employs 150 people, and we've
19 heard phrases like lifeblood thrown around. Well,
20 there's 150 families that this company relies on.
21 They contribute millions of dollars back into the
22 community, not only through the company, but also
23 through other charitable organizations.

24 And, lastly, I'd like to conclude that this
25 is still on a private piece of property. Thank you

1 for your time.

2 LT. COL. De WILLIE: Thank you. Sue
3 Ziemke-Albert.

4 THEREUPON, Public Hearing Exhibit 16 was
5 marked for identification.

6 MS. ZIEMKE-ALBERT: My name is Sue
7 Ziemke-Albert. I'm a resident of Sandusky, Ohio.
8 Many of my comments have already been stated
9 concerning the questionable legal side of this
10 action, so I won't repeat those, but I'd just like to
11 read a small part of my written commentary that I
12 will be submitting.

13 Sheldon Marsh is a tiny remaining segment of
14 the vast wetlands that once braced this area.
15 Industry and development has destroyed most of it.
16 Must we take it all? I hope not. I ask the Army
17 Corps of Engineers to truly help preserve this area
18 by insisting that Mr. Barnes restore it to its
19 pre-NWP 27 condition and receive no further permits
20 regarding this matter.

21 The result of the Corps' decision in this
22 matter will send a clear message as to what private
23 enterprise can and cannot do to our precious nature
24 preserves. Thank you.

25 LT. COL. De WILLIE: Thank you. Steve

1 Reineck?

2 MR. REINECK: Thank you, Colonel.

3 I'm a resident of the area. I grew up in Fremont not
4 too far down the road. I didn't make any comments to
5 prepare tonight because I truly wanted to come with
6 an unbiased ear. I want to hear what was said, and I
7 wanted to hear the merits to both sides of the story,
8 but I can't mistake the audience and have them
9 believe I'm not environmentally oriented.

10 My days off I'd just as soon be rooting
11 around in the soil planting things with a lot of the
12 assistance from the Barnes people. They're good
13 people. They have a good business. I know a lot of
14 them, and I respect their business, but I also have
15 to have a bigger respect for the environment, and I
16 hope and trust that that's what your agency has been
17 alleged and is responsible for as well.

18 A couple of comments I think that have been
19 very, very important. I don't think anybody is truly
20 opposed to the access of the water as long as it's in
21 an environmentally friendly way. Now, I guess that's
22 where good men can disagree, and that's where I don't
23 believe this should be a democratic process
24 whatsoever. I think the rules are in place. I think
25 the agencies have mandates. I think these things

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1 have probably been discussed ad nauseam behind the
2 scene, but if there is indeed mandates to protect the
3 wetlands, then that should not be violated for
4 anybody's interest, good interests, good for the
5 community or not because that's not your task here.

6 I personally have a couple concerns, and, you
7 know, perception is reality. The perception among
8 many people is that there are alternative plans here
9 with your original CCCMB permit application. That
10 will never be exposed to the public. It will be
11 chaos if there were plans. It would never be
12 disclosed if there was.

13 But a 50 foot wide channel five foot deep,
14 when I first saw the aerial views of this quite
15 frankly I was shocked. I mean, this is basically the
16 Erie Canal on the western edge of the State.

17 Now, you know, if you hire Mr. Barnes or any
18 contractor to come out here and plant tulips, they
19 don't bring backhoes, nor do I believe that this
20 extensive dredge project is necessary exclusively for
21 water irrigation.

22 So if the waterways seem to be the main
23 problem here, I hope these Barnes people and the
24 other applicants work with the environmental groups
25 to find a reasonable solution as reasonable men

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1 should.

2 The second issue that I have concern with, if
3 this is truly an environmental effort to destroy the
4 wetlands, than, there again, I think that rather than
5 having one consultant on their behalf, I think that,
6 again, this group that's applying for the project
7 should be working with all the environmental groups
8 that are experts in this field. We all have
9 expertise in certain areas. They should be working
10 with those experts to find a reasonable solution.
11 I'm not hearing any of those groups as a proponent of
12 their permit tonight, and that concerns me deeply.

13 LT. COL. De WILLIE: Thank you, sir. James
14 Scally.

15 MR. SCALLY: I'm James Scally, and
16 I've lived at Cedar Point Road for 40 years. I go
17 down Willow Drive every day, and it's nothing but
18 weeds. Mosquitos will breed there if you don't let
19 Barnes do what he's doing.

20 My father worked on the old road where
21 Sheldon Marsh is. Now, I've been over there, and I
22 can see what's going on, and I think they should give
23 the permit to Mr. Barnes. I like Sheldon Marsh, too,
24 but there's another thing, he's going to protect
25 Sheldon Marsh.

1 You people that don't live over there don't
2 know how a northeaster wind is. Sooner or later
3 Sheldon Marsh is not going to be there. My dad
4 always said, one of these days it's going to go out,
5 and it did, and if it wasn't for your dumping ground,
6 Sheldon Marsh would have been gone, and I think you
7 should let Mr. Barnes go on with his permit because
8 he's going to make it beautiful.

9 But now you can go down there and see dead
10 fish, them dead fish or nothing. There's no
11 muskrats, no nothing. There's going to be -- it's
12 going to be pitiful, that's it. I think he should
13 have it because he's got more revenue.

14 Sheldon Park, I don't see no revenue coming
15 in to Sheldon Park, right? If you put him out of
16 business, there ain't going to be no school taxes.
17 Are you people going to pay those school taxes?
18 You're all going to cry about it when you have to pay
19 school taxes.

20 LT. COL. De WILLIE: Sir, you're addressing
21 me.

22 MR. SCALLY: You're going to --

23 LT. COL. De WILLIE: Sir, you are addressing
24 me and not the audience.

25 MR. SCALLY: Okay.

1 LT. COL. De WILLIE: Thank you.

2 MR. SCALLY: I get a little excited
3 once in awhile.

4 LT. COL. De WILLIE: Sarah and Don Bayer?

5 MR. BAYER: Thank you. I'll
6 address you, Colonel.

7 LT. COL. De WILLIE: Thank you.

8 MR. BAYER: My name is Don Bayer.

9 I'm currently president of the Cedar Point Property
10 Owners Association. Some of my members are for the
11 project, some are against, so I won't speak in favor
12 or against the project. I just want to bring out a
13 few of the concerns of my membership.

14 One of the concerns is that this does not
15 become a navigable channel, that there's boat traffic
16 in and out through there, and there's no noise and
17 water pollution and all the things that go along with
18 a lot of boat traffic. So that's been a major
19 concern of some of the property owners.

20 Also another concern has been if any permits
21 are allowed that the government agency be involved
22 with their due diligence, and in accordance with that
23 make sure that there aren't any irreparable damages
24 done to the marsh.

25 And also on behalf of our point retreat

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1 members, any channels that they have done there was
2 done long after that beach was eroded out. That
3 beach was eroded long before point retreat was
4 there. Thank you.

5 LT. COL. De WILLIE: Thank you. Jeff
6 Hessler?

7 MR. HESSLER: My name is Jeff
8 Hessler. I am one of the few people that live on the
9 south side of this project in East Sandusky Bay, and
10 I look at it every day. It's my picture to the
11 world.

12 Since this project has gone in, we start
13 talking wildlife. There's a hell of a lot more birds
14 out there, I know, visible to me than there were
15 before. The difference being, they're all on this
16 side now where the deep water is. They're not hiding
17 out on -- that marsh is dry 60 percent of the time.
18 There's no water in there. When there's no water,
19 you see no wildlife from where I sit.

20 That point made, I still would like to hear
21 somebody definitely say what damage is being done to
22 this Marsh. Nobody is saying anything. It's going
23 to cause potential damage. They talk silt. I've
24 been on that dike. It looks like almost all clay to
25 me. I don't see where it's going to wash away.

1 As far as for boat traffic, I don't know many
2 boats that are going to fit through a three foot wide
3 one half foot deep channel. Dispel that rumor.

4 I grew up fishing in that area, and there
5 were deeper channels where you could fish when I was
6 a kid. The only fish you can get now are the dead
7 ones that Mr. Scally was talking about, because they
8 die there. Every spring in the spawning season you
9 go out there and it smells so bad going down Willow
10 Drive you can't stand it. Those carp now that are
11 all the ones that died are all in that deep water
12 channel that's been dug there.

13 My vote is for the project. I think it's the
14 best thing that could happen to the area, and I don't
15 see any detrimental effect to Sheldon Marsh
16 whatsoever. Thank you.

17 LT. COL. De WILLIE: Thank you, sir.
18 William Waldock.

19 MR. WALDOCK: Colonel, as a boy I
20 grew up at the entrance of Black Channel in the 700
21 block of the Cedar Point Roadway, and I have lived in
22 the cove at Cedar Point for the last 25 years.

23 In 1941 a fellow named Art Milkie, my brother
24 and I caught 237 perch on St. Patrick's Day from the
25 little bridge on Willow Road at Cedar Point. The

1 East Bay used to be abounded with wild animals, birds
2 and fish. The whole area was composed of ponds and
3 channels of fresh water with cattails along the
4 banks. It was a great place to hunt and fish and row
5 our boats.

6 The water from the lake broke through the
7 sandbar that ran from the pumping station to the
8 Willow Road on July 4th, 1969. The sandbar has moved
9 inland and has done away with the channels and the
10 ponds.

11 Now, during part of the year there's no water
12 and the land is just a sloppy mess of goo. The State
13 and the Federal government has not spent a dime to
14 make this marsh productive in wildlife fishing or
15 trapping.

16 Mr. Barnes has constructed a dike and channel
17 on his land and his neighbor's private property. He
18 needs water for his plants and trees. This dike will
19 give him a source for water and it will help to
20 improve the marsh.

21 I ask you, compare this marsh that we are
22 seeing with Nielsen Marsh or the McGee Marsh to the
23 west.

24 I believe Barnes should be able to keep the
25 dike and the water. Thank you.

1 LT. COL. De WILLIE: Thank you. Bruce
2 Segee? Bruce Segee? There's no response from Mr.
3 Bruce Segee. Edward Lagando? Sir, would you please
4 state your name?

5 MR. LAGANDO: Yes, Ed Lagando, just
6 like you said it, very good. I'm looking over this
7 little pamphlet here, and I see where it says here
8 they've got modifications to the construction. Does
9 this come from you people? Have you --

10 LT. COL. De WILLIE: Sir, I don't know what
11 you have in front of you.

12 MR. LAGANDO: The modifications here,
13 these last five steps, have you people seen these?

14 LT. COL. De WILLIE: We generated that
15 document, sir.

16 MR. LAGANDO: Do you want me to read
17 them? Is that what you said?

18 LT. COL. De WILLIE: No. I said we
19 generated that document, sir.

20 MR. LAGANDO: Oh, okay. So what is
21 the problem? If you people agree to these five steps
22 and he agrees to these five steps, what is the
23 problem? He's on his own property. He's on private
24 property. He's not digging a hole in Sheldon Marsh.
25 His side effect of getting water to run his

1 business happens to be a profit to Sheldon Marsh.
2 I've heard nothing but people talking about birds and
3 bogs and animals, and how about the people that are
4 involved here? How about the people that earn a
5 living at Barnes Nursery? How about the people that
6 spend money at Barnes Nursery and in turn putting it
7 back into the community? Do they count, or are we
8 all talking about animals here?

9 I mean Sheldon Marsh has been there long
10 before half of us have been here. It has lost
11 species, gained species. They come and go. Nature
12 takes its course. Give the guy the okay, let him put
13 that there, get the people out of there and let
14 nature take its course.

15 You need water for the marsh. He's got water
16 when the lake level is down. What is that going to
17 hurt? I don't see any problem here. I mean, if they
18 needed a new pipeline for NASA to get water, they'd
19 dig through there or not. If they had to repair
20 that, would they allow them to repair that line?

21 I mean, he's not even close to Sheldon
22 Marsh. There's a lot of other things closer than
23 that are disturbing the wildlife. If they're really,
24 really interested in preservation of wildlife, lock
25 the gate on Sheldon Marsh and let the wildlife be.

1 He ain't going to bother them. That nursery isn't
2 bothering a thing out there near Sheldon Marsh.

3 Lock the gate, keep the people out of there
4 and let the wildlife be. That's preservation of
5 wildlife. Not, oh, I'm going to take these people
6 over there and lift up these ducks and see how many
7 eggs are under their butt. We don't need that.

8 This guy needs water to keep his business
9 going. Sheldon Marsh will come and go and it will be
10 there forever. You don't have to worry about Sheldon
11 Marsh. Nature will take care of that. Issue the
12 permit and get it over with.

13 LT. COL. De WILLIE: Thank you, sir.

14 (Applause.)

15 LT. COL. De WILLIE: Dan Quinn?

16 MR. QUINN: Good evening, Colonel.
17 My name is Dan Quinn. I live at 212 Wall Street here
18 in Huron. I have a home here on Wall Street. We
19 purchased our home here about 12 years ago, and we
20 purchased our home in Huron because we love being
21 around here and we love the Marsh, we love the
22 shoreline. Everything Huron had to offer, we liked,
23 so we found a home and we purchased it.

24 In reading about all this -- I live in
25 central Ohio, and it's made it all the way down to

1 central Ohio. We visited Barnes' site, and then we
2 also visited Sheldon Marsh, and, like the last
3 gentleman said, I can't really see where the two
4 hardly connect. They're pretty much separate.

5 And what Barnes has done as far as digging
6 and the earthwork that's been done with the planting
7 and everything that's going to be done, I think it's
8 truly an asset to what's being done there.

9 Furthermore, I can relate somewhat that I
10 also am in the nursery business, a family business of
11 63 years in central Ohio. We draw water from a
12 river, and if somebody were to -- if that river were
13 to disappear or something would happen, it would be
14 like cutting the right arm of our company. Our
15 employees would -- you know, I just don't know what
16 we would do. We couldn't secure enough water from
17 wells or whatever.

18 But I can't see anything negative with what
19 Mr. Barnes is doing here, so I would hope you would
20 pass it.

21 LT. COL. De WILLIE: Thank you, sir. John
22 Browning? I will point out that we're about halfway
23 through the stack of cards, and reemphasize the point
24 of reiterating previous comments. You know, if you
25 have something new to add, we'd really appreciate

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1 those types of comments especially and allow us to
2 continue. Thank you.

3 MR. BROWNING: My name is John
4 Browning. I am a resident of Huron for 30 years. I
5 just want to let you know I support the Barnes
6 project. I visited the site. I've been down there
7 20 years ago, 10 years ago, every year, and it's a
8 lot better now than it has been in the past, you
9 know, with the water down there, and I don't see
10 where it's going to hurt Sheldon Marsh.

11 This is private property, and Mr. Barnes'
12 neighbors gave permission. I think if you give this
13 to someone like Chris Steinen, who's had property
14 along that marsh for over 100 years, he hasn't sold
15 out to any developer, and if you listen to somebody
16 like Mr. Steinen and Mr. Corso, they can tell you
17 more about the property. They have been guardians of
18 that property longer than somebody that's been down
19 there for like 10 years or 12 years. Thank you.

20 LT. COL. De WILLIE: Thank you, sir. Ronald
21 Stone?

22 MR. STONE: Thank you, Colonel.
23 I'm a resident of Cedar Point Roadway, 1733, and
24 Cedar Point Park, and I've lived there since '76.
25 I've seen the lake level at the high points, I've

1 seen it at the low points, and it comes and goes, and
2 both the ecology of the area.

3 When I first moved in here we had a soot area
4 in the back Bay, and then there was the washout of
5 the fort ridge Barnes project and the Bay kind of
6 cleaned itself up. Now, this was a natural flow of
7 the water.

8 Anyway, I've seen the natural flow of the
9 water clean the Bay up. I've seen the different fish
10 spawn on my own property. My deed says I own below
11 the water mark of the lake, the lower water mark of
12 the Bay. That's an argument of fame.

13 But, anyway, I can't see anything wrong with
14 this Barnes project, the way he's try to improve the
15 area considering the wildlife that's in the area and
16 the muskrats that everybody talks about, there are a
17 lot less at this point. I think if there is some
18 water down there in low times, the fish would have a
19 possible spawning area or at least to survive, where
20 right now I've seen thousands of them die.

21 And I think all the people listening to and
22 not understanding some of the governmental
23 organizations, for example, when the high water was
24 up, it was your department that got a lot of rhetoric
25 from causing that to happen. You can lower the

1 water, you know, that sort of thing. I have articles
2 in a file that show some of that. And I know that
3 you'd like some of it because that's what the press
4 does to you.

5 But a certain bunch of people believe
6 everything that they read and everything that you
7 hear. Unfortunately, half of what we read, or more
8 than half, is not what the reality is. When you have
9 professional studies, it's one man's opinion whether
10 that study is even right, and it takes time over the
11 years to know what does happen, what the theory is
12 and whether it will work or not.

13 But I know one thing, a dollar bill in the
14 community, and Barnes has a lot of employees and
15 people, and a dollar bill as far as income in the
16 community will generate about ten rolls of each
17 dollar. So every dollar it pays out in the payrolls
18 and the workmen gets generated in the total community
19 is an asset to everybody that lives in Sandusky, and
20 you can't have it both ways. There has to be some
21 kind of adjustment.

22 So I'm in favor of the project and a little
23 less government intervention without real facts. So
24 thank you.

25 LT. COL. De WILLIE: Thank you, sir. You

1 had two minutes .59 seconds. That's pretty close.
2 Gary Bergmoser?

3 MR. BERGMOSER: My name is Gary
4 Bergmoser. I've lived on Chausee in four different
5 homes. In 1972 my father told me we had to sell our
6 house where I liked living because the back wall was
7 blown out by a northeaster in November. I lived
8 where point retreat starts in 32 Cedar Point Road,
9 formerly owned by people named Watts and then
10 Crawford.

11 When he told me I was going to move and I had
12 to leave the beach, I was furious. He told me don't
13 worry about it, we're going to buy on the back side
14 over on Cleveland Road because that's where the beach
15 is going. Anybody who watches that beach go, it's on
16 the way there now if they don't stop it somehow.
17 When you pour a bucket of sand on a fire, it goes
18 out. A bucket of sand is going right back on that
19 Sheldon Marsh and it's done. I'm in favor of the
20 Barnes project.

21 LT. COL. De WILLIE: Thank you, sir. Peter
22 McGory?

23 MR. MCGORY: Colonel, my name is
24 Peter McGory. I'm a resident of the Cedar Point
25 area. I've been there for about 20 years. I'm going

1 to try to avoid repeating anything that the other
2 people have said.

3 I would state from the start that I'm in
4 favor of the Barnes project. I've been out there to
5 view it myself. I've also been through Sheldon Folly
6 or the Sheldon Marsh area on numerous occasions.

7 I personally question whether many of the
8 people that have spoken in favor of Sheldon Folly or
9 Sheldon Marsh have taken time to view, personally
10 inspect the Barnes project.

11 As was stated by other people, it is on
12 private property. I would point out or note that in
13 my opinion, and I believe I'm correct in this regard,
14 what he's planning to do with a single dike divided
15 into several eyelets or islands is not going to
16 affect the water level of the rest of that marsh one
17 iota. It's simply giving him a channel to access
18 water from the entire Great Lakes system.

19 The rest of that marsh isn't going to be
20 affected up or down one iota. The rest of the
21 mudflats, if they're going to be mudflats, they're
22 going to stay mudflats. So if there are shorebirds
23 that need mudflats there's going to be mudflats
24 there.

25 When I was out this last weekend to view the

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1 project, there were a pair of swans, wild swans,
2 right next to his dike. I understand there's an
3 eagle's nest there. I didn't see the eagle's nest
4 that day. From what I could see in the marsh area
5 itself in the distance and right up next to the dike,
6 there was no difference. What I saw next to the dike
7 was the same what I saw in the distance.

8 I just don't believe that the marsh itself
9 will be affected one way or the other with this
10 project going forward. Thank you.

11 LT. COL. De WILLIE: Thank you sir. Richard
12 Pohl?

13 MR. POHL: Colonel, good evening.
14 My name is Richard Pohl. My family and I have lived
15 in Huron since 1976 and owned a business in Huron
16 since that time.

17 I've heard a lot of very emotional and very
18 vehement speeches on both sides of the issue
19 tonight. I'd like to submit to the Corps that you
20 should disregard emotions. I don't think emotion has
21 anything to do with the thought process that this
22 Corps is required to go through.

23 I think that you should look for rational,
24 reasonable business decisions that are supported by
25 the Corps' requirements, and I think the Barnes

project is reasonable. I think that reasonable people can work out compromises if compromises are necessary, but I want to emphasize to you, there's no more responsible business in Huron or even Erie County or the surrounding area than Barnes Nursery.

You've heard a lot of statements tonight about the number of families that Barnes supports, the number of things that Barnes does in the community. I can assure you that that's not only true, but emphasize to you that that has a great affect on the welfare of the entire community.

They ought to be able to be allowed to work out in a reasonable, rational business-like way, without all this rhetoric and emotion, a method to make the project go forward and indeed not have harm to Sheldon Marsh. Thank you.

LT. COL. De WILLIE: Thank you. James Marshall?

MR. MARSHALL: Good evening, Colonel. I'm Jim Marshall. I live in Huron. In the late '60s I was first exposed to Sheldon Folly when I took my son down there with Boy Scouts. The pump house was far different than what we see today. It was on the shoreline and there was a beach in front of it. What you see there today is a man made peninsula,

1 practically an island, with the man made road up to
2 it.

3 I submit that that pump house and road has a
4 far greater negative impact on Sheldon Marsh than the
5 project that the Barnes have planned.

6 I think the nursery is a great asset to the
7 community, and what we should have been doing here
8 tonight is trying to figure out the best way to get
9 fresh water for their needs, not be negative about
10 what they have planned. If somebody has got a better
11 idea, please step forward. Thank you.

12 LT. COL. De WILLIE: Thank you sir. Colleen
13 Stapleton?

14 MS. STAPLETON: Good evening. First,
15 I'd like to say that I am a resident of Huron, and
16 I'm also the president of the Willow Grove
17 Association, which lies about a mile east of Barnes.

18 We have dealt with the Army Corps of
19 Engineers and the Ohio Department of Natural
20 Resources, and if you haven't done it yourself,
21 dealing with these two agencies is not a simple
22 process. You depend on the agencies to tell you the
23 best way to go, the best things to do, the proper way
24 to proceed. If sometimes you are in error, it's
25 generally because of miscommunication, not negligence

1 or bad intent on the part of the person petitioning
2 for a project.

3 The Barnes family is very, very earth
4 conscious. No one is more dedicated to ecology than
5 Sharon Barnes, and it distresses me to think that
6 people have accused the Barnes of their personal need
7 above that of the world around them.

8 I fully support the Barnes project, and I
9 would hope that the community will work together and
10 to try to look at the best way to help both Sheldon
11 Marsh and the Barnes family. Thank you.

12 LT. COL. De WILLIE: Thank you. Dave
13 Whyde? Excuse my pronunciation.

14 MR. WHYDE: Hi. My name is Dave
15 Whyde, and I'm an employee of Barnes Nursery. As
16 well I hold a Bachelor's degree from Bowling Green
17 State University in environmental quality analysis
18 and I am currently pursuing a degree in secondary
19 education biology.

20 I've been working there since 1993, and due
21 to these reasons it's been hard for me to come to a
22 conclusion about the project. Over the time, though,
23 I have come here, and I was looking for what problems
24 it was going to cause, and while I've heard broad
25 strokes about nationwide wetland devastation, I

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1 haven't heard exactly how this dike is going to
2 affect Sheldon Marsh.

3 I've heard silt, but they also want to return
4 it back to its original state, which is going to
5 disrupt the silt in the same way as going forward.
6 I've also heard about different levels being needed
7 for the animals to find their food, and this is just
8 adding more of a variety.

9 As far as -- I read in the paper today that
10 the exotic species would move into the deep water,
11 but it seems to me that the same exact species would
12 be living in the lake already.

13 The other things I saw were originally it was
14 just for nature and it was okay, and as soon as they
15 found out that there's an economical use as well as
16 an environment use, immediately everyone jumped on
17 the bandwagon saying this is big business destroying
18 nature instead of big business working with nature.

19 Two last comments is, first off, everybody is
20 saying Bob Barnes is the one who needs his water, but
21 what's needed is for the company where 150 people are
22 employed. And my second one was that this is -- this
23 company works with nature. That's its job to work
24 with tress, and we have to find a balance. We have
25 to work with nature as well as deal with it. We are

1 a part of it. We try to bring nature closer to
2 people, and to do that we need water. That's all I
3 have to say. Thank you.

4 LT. COL. De WILLIE: Thank you. Greg Hill.

5 MR. HILL: Thank you, Colonel.

6 Thank you, Mr. Montone. My name is Greg Hill, and
7 I'm a citizen of Huron, and I also wear quite a few
8 hats. One of my basic hats has always been an
9 outdoorsman. I have been to safaris in Africa. I've
10 traveled through Canada. I'm quite an outdoorsman in
11 a lot of different respects.

12 I also wear the hat of a developer, and I am
13 general partner of Sawmill Creek Resort, which lies
14 due east of the Sheldon project. We do have quite a
15 few man-made things, and, let me tell you, we
16 consistently try to deal with nature as we're there
17 and watch. We have been very lucky and successful in
18 working with the Army Corps and working with ODNR.
19 They've been friends of ours, and they have helped us
20 make decisions as to how to better take care of our
21 business and how our business still can survive.

22 The company Barnes has has been one of the
23 most outstanding businesses in this small town of
24 Huron. They represent the community in many ways.
25 They're great givers in giving money and helping with

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community projects besides the business that they have.

I ask you to look for a solution to help this company through its troubled times with this low water. They've used water for 50 years. Please help them in any way that you can and redirect their efforts to their success that they need.

The biggest problem I've seen over the years has actually been the erosion of the break wall that used to be a roadway that went through the pump house on down Cedar Point Chausee. I have aerial photos and watched this. I walked the beach. I walked the nature preserve. A lot of my friends and myself and my relatives use this and we're so lucky to have it. I want to see nothing happen to this area.

I will say that the Barnes project that I've looked at, I can't really see the negative impact that they have. Please rather than just say stop, tell us what the impact is going to be and offer a good solution like you would that you have in the past. Business is not a dirty word. Profit is not a dirty word. People that have lived and worked together, it gives them a better living here than you will find in other countries.

Please look at possibly reestablishing some

1 of that break wall that was there originally. You've
2 lost a tremendous amount of Sheldon. Sheldon is not
3 the same as it was years ago. The dry flats back
4 there are totally embarrassing, and a lot of that
5 has to do with the erosion and the way that that
6 beach has set backwards and backwards and backwards.
7 It has put peat moss continually through there.

8 The ability to have a fresh water channel has
9 increased the flow of that bridge unbelievably. I go
10 down there and see water flowing through there so
11 fast it's bringing the back bay down into the Lake
12 emptying some of those. So several things have
13 changed.

14 You say you want us to leave it the natural
15 way, we haven't done that. We haven't kept it the
16 way it was 20 or 30 years ago, and the large break
17 wall have changed those factors. Poor Sheldon has
18 somehow managed to survive all these years. This
19 whole wall has devastated my land, it's devastated
20 the water that I have for our golf course.

21 We want to help all we can with Sheldon, but
22 we've got a good business here, good people in the
23 community. Thank you.

24 LT. COL. De WILLIE: Thank you, sir. Steve
25 Brown?

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1 MR. BROWN: My name is Steve
2 Brown. I've been a citizen of Huron, Ohio for 33
3 years and an employee of Barnes Nursery for 33
4 years.

5 I'm speaking for the employees that are
6 behind me that are concerned, concerned that tomorrow
7 they will have no job. We are all concerned of
8 this. I ask you to come together and work as a team,
9 a team which spells out, together each accomplishes
10 more.

11 I have listened to all the different
12 societies, and, believe me, the employees and the
13 Barnes family would not want to hurt the
14 environment. We have probably created a better
15 environment of anybody that has lived in this
16 County. Every day we create a better environment
17 planting trees.

18 We have listened to what the Corps has said.
19 We want to work with the Corps, with the different
20 organizations, and please allow us to have water so
21 that 150 families will still have a job. Thank you.

22 LT. COL. De WILLIE: Okay. We will now take
23 a five-minute break at the request of the
24 stenographer. I ask that you remain close to your
25 seats. She'll return momentarily.

1 THEREUPON, Public Hearing Exhibit 17 was
2 marked for identification.

3 LT. COL. De WILLIE: Don Hibbard? Is Don
4 Hibbard in the room? Last call, Don Hibbard? Let
5 the record note there was no response for Don
6 Hibbard. David Carek?

7 MR. CAREK: My name is David
8 Carek. I'm a shoreline resident of Lake Erie for
9 approximately 35 years. I have visited the Marsh on
10 various occasions, and I'm very concerned about
11 proper management of Lake Erie and its resources.

12 Engineers like to look at things objectively,
13 take a common sense approach to things. I am an
14 advocate for responsible environmental protection,
15 and I have heard about some massive destruction that
16 happened due to the Barnes project, so I went down
17 and toured the area and really didn't notice
18 anything.

19 I saw the structure that he put in place. I
20 didn't believe that there was any environmental
21 degradation to have occurred to it. There were
22 claims that it would have destructed Sheldon Marsh,
23 and when I toured Sheldon Marsh at the time you
24 couldn't even see the project from Sheldon. So I
25 really didn't see the impact that it would have

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1 directly on the Marsh. And, in fact, it didn't
2 appear to be irresponsibly designed, the redesign.
3 Barnes did go to great efforts to accommodate
4 concerns, which I commend their efforts for that.

5 And, again, I don't see any negative impact
6 the project will have on the wildlife in the area. I
7 do recommend the approval of this project. I do,
8 however, support the expansion of wildlife preserves
9 in Ohio if they're acquired responsibly. If the
10 State of Ohio feels that this is going to create a
11 significant encumbrance on the wildlife refuge, I
12 would request that some independent studies be done,
13 environmental studies be done, through various
14 agencies to see what the true impact is, and if they
15 do wish to acquire, it should be done responsibly by
16 purchasing anything at fair market value, and it has
17 to be from a willing seller.

18 We can't legislate away people's property
19 rights through regulations. They need to be
20 compensated for them because inevitably all
21 regulations could occur in anyone's backyard. This
22 is entirely private property. And that's all I
23 have. Thank you.

24 LT. COL. De WILLIE: Thank you. Katharine
25 Schneider?

1 THEREUPON, Public Hearing Exhibit 18 was
2 marked for identification.

3 FROM THE FLOOR: She has left.

4 LT. COL. De WILLIE: Last call, Katharine
5 Schneider. It's reported she's left, no response.
6 Richard Sanford?

7 FROM THE FLOOR: He left.

8 LT. COL. De WILLIE: Richard Sanford?

9 FROM THE FLOOR: He left.

10 LT. COL. De WILLIE: It's reported that he
11 has left. Charles Corso?

12 MR. CORSO: Thank you, Colonel. My
13 name is Charles Corso. I've been out at the Marsh
14 for over 50 years, and apparently I'm one of the
15 wicked landowners that the ditch is going across. I
16 don't see any problem with it. I've seen more
17 wildlife in the last six months than has been there
18 in 30 years.

19 In 1950 there was plenty of wildlife, and for
20 the people that want to see birds, that canal will
21 bring them back in there. It's over 1,000 feet away
22 from Sheldon Folly. It's actually -- that canal is
23 on the south end of the East Bay Marsh. It has
24 nothing to do with Sheldon Folly.

25 I'm for the project, and I hope that it's

1 approved. For my financial benefit, if you didn't
2 let them do anything, sooner or later I'm going to
3 have a sandy beach there. Thank you.

4 LT. COL. De WILLIE: Sherry Fischer?

5 MS. FISCHER: Thank you for your time
6 this evening. I'm Sherry Fischer. In addition to
7 being an avid waterfowl and outdoorsman, I'm
8 currently the secretary of the Huron Township
9 Conservation Club and a very active community member
10 with the Sandusky Bay Chapter of Ducks Unlimited,
11 both --

12 LT. COL. De WILLIE: Can you stand a little
13 closer to the mic? Thank you very much.

14 MS. FISCHER: I am Sherry Fischer,
15 and in addition to being an avid waterfowl and
16 outdoorsman and currently am the secretary of the
17 Huron Township Conservation Club and a very active
18 member with the Sandusky Bay Chapter of Ducks
19 Unlimited, both of which are aggressive conservation
20 organizations committed to conservation and wildlife
21 habitat issues.

22 Having worked with these organizations as
23 well as others for many years, I will not claim to be
24 an environmental expert, but consider myself somewhat
25 educated on such issues.

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1 In reference to the Barnes project, I am
2 familiar with the property in general. With regards
3 to the Marsh at Sheldon, what was once a marsh full
4 of life and lush habitat and wildlife is now
5 basically very limited. I didn't say totally gone or
6 devastated, I said limited.

7 Over the course of what I've seen in the last
8 five or ten years, I've noticed a significant change
9 in the water levels. For the most part, there isn't
10 water. There is mudflat. Water circulation, in my
11 opinion, is necessary to these wetland areas to
12 survive.

13 Number two, habitat, what was once a spacious
14 waterway and marsh and habitat are now practically
15 nonexistent. And, three, the wildlife, fish, turtles
16 and muskrats, cranes, ducks and geese. Obviously
17 their specific needs, whether it be nesting or
18 feeding.

19 The Barnes is in need of water. There is a
20 strong desire to return the marsh and the property to
21 as close as possible the quality it used to be. If
22 they have a solution that can do both, protecting
23 both the habitat and wildlife, and allow them to
24 fulfill their water needs, it seems to be a win/win
25 situation.

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1 I realize the significance of Sheldon
2 wetlands and its category three status, but has
3 anyone pondered or thoroughly researched the idea
4 that this project may help the overall ecology of
5 Sheldon or perhaps protect the public?

6 It is my opinion that this project is not
7 going to destroy or alter Sheldon, but add to its
8 awesome diversity. They are not eliminating a
9 habitat, but they are improving and rehabilitating
10 what was already there.

11 I urge you to support the Barnes. If you
12 find yourself at a loss as to what to do with this,
13 let them continue with what their plans are. You
14 have an environmental project that is long overdue.
15 Why settle for mudflats when you can have mudflats
16 and the wildlife it supports as well as the benefit
17 of the marsh and the deep water channel that Barnes
18 will support.

19 In my opinion, in this case you would have
20 your cake and eat it, too. If you deny them such a
21 permit, deny it because you have good sound reason to
22 do it, not because they happen to be a business or
23 because it might be against what is politically
24 correct in the public. Thank you for your time.

25 LT. COL. De WILLIE: Thank you. Antoniel

1 Alvorez? Antoniel Alvorez? For the record, no
2 response. June Claus?

3 MS. CLAUS: In the interest of time, I
4 will be brief. My name is June Claus. I just want
5 to reiterate our support of the Barnes Nursery
6 project. We have been in Huron for over 40 years.
7 On the water bank of the river, we've seen the water
8 rise and fall, rise and fall. We've had no problem
9 with high water or too much water in our business
10 than with low water. We live in the community on the
11 Lake. We have a wall that was 100 years old, the
12 northeaster came and then it took it away.

13 So I believe that God will take care of
14 Sheldon Marsh as He has in the past, and we have
15 enjoyed it and will continue to enjoy it. The Barnes
16 family as well as the rest of us are in total support
17 of Sheldon Marsh. We are also in support of this
18 project.

19 LT. COL. De WILLIE: Thank you. Jeff
20 Fortune.

21 MR. FORTUNE: Colonel, Mr. Montone,
22 my name is Jeff Fortune. I work for the Barnes
23 family. I have so for the last six years. In my
24 position I'm often put in the position of following
25 EPA and other government agency guidelines. The

1 Barnes family has been more than direct in the fact
2 that they want to make sure that we always follow
3 those guidelines, that they're always followed to a
4 T, and that we always obey them, and that we take
5 care of the environment. They've encouraged me to
6 read books on the environment and to bring my
intelligence and my knowledge up to par.

8 They've never, ever -- I was involved in the
9 construction of the current dike project, and I
10 never, ever heard a word about anything more than
11 irrigation or anything to that effect. I'm not a
12 great public speaker, so I apologize for that, but I
13 believe someone earlier said, don't get emotional and
14 that's the thing I'm trying not to do.

15 These are good people. They're all good
16 people, and we just need water. We all ran to the
17 water fountains when we got a five-minute break
18 because we need water, and that's basically what it
19 boils down to. Thank you.

20 LT. COL. De WILLIE: Thank you. Tom
21 Solberg.

22 MR. SOLBERG: I'm Tom Solberg. I
23 live in Huron, Ohio. I've lived on the water for the
24 last 30 years. I work on the water or near the water
25 every day. I have a marina in town.

1 With regards to the Barnes Nursery water
2 restoration project, I would like to express my
3 concerns that critical public opinion may negatively
4 affect this important and worthy project. I recently
5 inspected the project at the nursery, and I am
6 convinced that this project has many features that
7 will enhance the area's habitats.

8 Number one, the deeper channels will hold and
9 protect fish such as northern pike, bass, crappie,
10 bowfin, carp, catfish, bluegill as well as many other
11 species, especially in the spring when the normal
12 breeding areas are now dry due to the present low
13 water datum.

14 I believe that if it were not for the depth
15 of the Huron River, on which I work every day, over
16 the past few years we would have lost many of our
17 game fish due to the marsh being too shallow for them
18 to enter and breed. These deep holding areas will
19 again protect the fish during extreme low water as
20 the Huron River does.

21 The islands which they will create will help
22 protect the wetlands to the south of them from
23 further erosion and will produce protective nesting
24 areas for native bird and waterfowl. I'm confident
25 that Barnes Nursery has the expertise to plant these

1 islands with proper vegetation to establish this
2 habitat.

3 Third, because I see no negative effect of
4 this project and knowing the high cost of pipe water,
5 I believe that by permitting this project it will
6 help supply the water needs for the nursery and help
7 sustain the growth of this environmentally conscious
8 company which is absolutely necessary.

9 As a past president of the Chamber of
10 Commerce, member of the Huron Port Authority and a
11 member of Huron's Joint Recreational District and
12 president of Huron Lagoons Marina, I have seen the
13 generosity that the Barnes family and many of their
14 employees have showered on Huron in just about every
15 community activity that has taken place over the past
16 40 years.

17 Any civic group or business person I know has
18 always received help from them when asked. It is now
19 our turn to show them the support they have earned
20 and deserve for this project. Thank you.

21 THEREUPON, Public Hearing Exhibit 19 was
22 marked for identification.

23 LT. COL. De WILLIE: Thank you, sir. Edward
24 Toomey.

25 MR. TOOMEY: Good evening. My name

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1 is Ed Toomey. I live in Huron Township, and I come
2 as a private citizen and an avid sportsman. To cut
3 to the chase, for the 20-so years that I've been
4 acquainted with the Barnes family, they have
5 consistently demonstrated honesty, generosity,
6 sincerity, integrity and, above all, the love of
7 nature and the environment.

8 When you think about it, Barnes Nursery,
9 Inc., is in the environment restoration business.
10 Contractors come to town, they whip out the whole
11 area, put a motel or shopping center, and the Barnes
12 Company is called to come in and plant, and I believe
13 that company has planted more trees, more flowers and
14 more grass in this area than anyone else I can
15 identify.

16 To go beyond that, you know, for years I see
17 the seasonable billboards advertising, especially in
18 the summer months. They're not advertising that
19 we've got this on sale and that on sale. I've seen
20 signs that say, you know, your plants are thirsty,
21 too, water them. Do you really think a company like
22 this would want to damage the environment or the
23 ecosystem? I don't think so.

24 I've had the good fortune to enjoy exploring
25 the Barnes Nursery property over these past years,

1 especially the area of the nursery around the
2 project, and I can attest to this, in the last six or
3 eight months I have observed more waterfowl, more
4 shorebirds than I have in the years total in the
5 past.

6 To quote an article in the Register today, I
7 also believe that what the Barnes Nursery, Inc. has
8 done is put the wetlands back in the wetlands, and I
9 urge you, yes, give them water and also to protect
10 that Marsh and approve that project. Thank you.

11 LT. COL. De WILLIE: Thank you. Steve
12 Roshun? Steve Roshun? For the record, no response.
13 Edward Asher?

14 MR. ASHER: My name is Edward
15 Asher. I've listened to how long people have lived
16 in the area. I think I must be the eldest person in
17 the room. I was born in Sandusky, Ohio and moved to
18 Huron, Ohio in 1939. I graduated from high school
19 there. I've served in many civic activities. I'm
20 currently a member of the Huron City Council and the
21 Mayor of Huron.

22 I came here really to listen because I am
23 not -- as far as ecology and the environment, I'm not
24 a specialist in it, and I totally don't understand
25 all of the terms that I've heard here tonight, but I

1 can attest to some things, and there are some things
2 that I'm quite disturbed about.

3 Number one, some of the negative commentaries
4 that have been that the Barnes are going to do other
5 things and this is the beginning, take it from some
6 people that know the Barnes, and I know them, too,
7 not only the Barnes, but the people who were
8 speaking, it came from some people out of town that
9 basically there are rumors someplace, and because it
10 helped their project, they spoke about those things.
11 And that to me is -- well, it's not correct, and I
12 think it's very demeaning to the people that made
13 those statements.

14 As far as Sheldon Marsh is concerned, Dr.
15 Sheldon himself served my family. Dean Sheldon was
16 the city manager of the City of Huron. I know -- I
17 knew both of them. As far as the Barnes, I know all
18 three generations. I've been around long enough to
19 know that, and I happen to be in a business that's
20 also in its third generation and the fourth working
21 part time after school.

22 I think the answer here has been said more
23 than once, and I'm going to reiterate it, I think
24 that they need to survive and the ecology needs to
25 survive, and that can be done. Business, the Corps,

1 everybody can work together for the good of
2 everybody, and I'm asking you to make sure that they
3 survive, and I'm asking you to make sure that the
4 environment survives. Thank you very much.

5 LT. COL. De WILLIE: Thank you. Carl
6 Pasqualun, residence 1918 Hull Road. I'm having
7 trouble looking at the spelling.

8 FROM THE FLOOR: Carl Pasqualun.

9 LT. COL. De WILLIE: Okay. Carl Pasqualun,
10 is Carl Pasqualun here? Note it on the record no
11 response. Mike Skipka?

12 FROM THE FLOOR: He had to leave.

13 LT. COL. De WILLIE: Mike Skipka has left,
14 no response. Bettian Gore? Bettian Gore? Note
15 for the record no response.

16 Mendez Onesimo? Mendez Onesimo? No
17 response.

18 Reynaldo Gonzalez? Reynaldo Gonzalez. No
19 response.

20 Amador Gonzalez? Amador Gonzalez? No
21 response. Ruben G G, 315 Hoover Road. Rubin at 315
22 Hoover Road? No response.

23 Juan Perez? Juan Perez? No response.

24 Jimenez Narvoez Javier? Jimenez Narvoez
25 Javier? No response.

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1 Jose Hernandez? No response.

2 Tamara Harris? Tamara Harris? No response.

3 Richard Schenk? Richard Schenk?

4 FROM THE FLOOR: He left.

5 LT. COL. De WILLIE: No response. Glenn
6 Landers? Glenn Landers? No response. Dennis
7 Plank?

8 MR. PLANK: Hello, I'm Dennis
9 Plank. I am on the Sierra Club, Northeast Ohio
10 Group, Great Lakes Water Quality and Wetlands
11 Committee. What does our committee think of this
12 development? We feel the Army Corps of Engineers
13 should deny the nationwide permit point seven for the
14 Sheldon Marsh -- for the Sheldon Marsh area, deny the
15 after-the-fact authorization and deny the proposed
16 modifications, and we feel the area should be
17 restored to its situation that existed prior to the
18 permit.

19 And we feel this high quality wetland must be
20 preserved, and this is why. According to the Sierra
21 Club, 53 percent of the wetlands have been destroyed
22 in the lower 48 states. According to Friends of
23 Sheldon Marsh, as reported in the Friends of Wetlands
24 newsletter, only five percent of original wetlands
25 remain in Ohio.

1 According to the Ohio Lake Erie Commission,
2 54 percent of the original wetlands have been lost in
3 Ohio, jumping from five million acres to 800,000
4 acres, and within the Lake Erie Marsh area it is
5 estimated that there were originally about 300,000
6 acres of wetlands, and by 1987 the wetlands in this
7 zone were reduced to about 20,793 acres.

8 Related to this change much information has
9 surfaced that shows we have to make a rapid
10 transition to an environmental sustainable economy
11 before we do irreversible damage to the natural
12 system that supports us.

13 For example, the State of the World Reports
14 from the World Watch Institute shows how important
15 wetlands for harvest purposes sustainable to
16 society. Another example, the State of Ohio, 1998
17 report, Lake Erie quality prepared by the Ohio Lake
18 Erie Commission shows that the coastal wetlands are
19 very productive. They provide functional shoreline
20 protection, groundwater recharge, sediment and toxin
21 filtration, wildlife habitat and nutrients for
22 aquatic cobra.

23 The remaining wetlands are very important to
24 wetland wildlife, including 37 of Ohio's concerned
25 and endangered species.

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1 Finally, the last example I'd like to give is
2 from the Lake Erie Protection and Restoration plan
3 put out by the Ohio Lake Erie Commission in 2000.
4 One of their strategic objectives is to expand
5 wetlands within the Lake Erie watershed. We do not
6 need anymore losses.

7 So, in summary, we feel the Army Corps of
8 Engineers should deny the nationwide permit 27, deny
9 the after-the-fact authorization and deny the
10 proposed modifications, and we feel that the area
11 should be restored to the situation that existed
12 prior to the granting of the permit, and we feel this
13 wetland must be preserved. We must make progress
14 over this sustainable society. Thank you.

15 LT. COL. De WILLIE: Thank you. Ron
16 Zoellner?

17 MR. ZOELLNER: Thank you, Colonel.
18 I'm Ron Zoellner. I live on Camp Road, been a
19 lifelong resident of Erie County, Sandusky, and for
20 the last 45 years in Huron Township.

21 I'm a neighbor of Barnes. I've known the
22 Barnes family for more than 30 years. They're
23 excellent people to deal with, very honest, very
24 truthful.

25 I'm also a pilot. I've flown over the Marsh

1 for years. I fly over the Marsh probably four to
2 five times a month. What Barnes is doing to the
3 Marsh is to enhance it. They are beneficial to the
4 Marsh.

5 We've heard all kinds of testimony and all
6 kinds of responses. I feel that a lot of this is
7 almost like the parable, the Sky is Falling. The
8 little chick that says the sky is falling because an
9 acorn drops on him, not the truth.

10 Let's face reality. The reality is the Lake
11 levels go up and down. The reality is the Marsh will
12 be there. The water is there. What Barnes is doing
13 will not hurt the Marsh. You have many engineers who
14 are very knowledgeable that can bring a solution
15 together for this.

16 Yes, the Marsh must be saved, and, yes,
17 Barnes needs water. We live on planet earth, and we
18 have life because of water. Barnes needs water to
19 survive. We all need water to survive, as well as
20 the Marsh.

21 I plead to the Corps to bring a viable
22 compromise to the entire situation. Let it be a
23 win/win situation for both Barnes and for the Marsh.

24 I've known the Sheldon family. Dr. Sheldon
25 delivered me. So I've known the Sheldon family since

1 day one, I'm now 63 years old, and a great family.
2 My wife and I have been to Sheldon Marsh over the
3 years many, many, many times, and we enjoy it.

4 I've known the Barnes, and they're very
5 reputable, and what they will do to the Marsh will be
6 to enhance the Marsh situation. I see nothing where
7 they're going to change the water levels. It will
8 rise and fall with the Lake levels as they have for
9 centuries.

10 But I think the compromise will be what they
11 can do. You can design it in such a way that it will
12 be beneficial to the Marsh and also provide the
13 needed water to a very important business in our
14 community. Thank you very much.

15 LT. COL. De WILLIE: Thank you. Dennis
16 Lehner?

17 MR. LEHNER: Thank you, Colonel.
18 Since I was one of the last ones here, I'm probably
19 one of the last one to speak, so I've got a whole
20 notebook of stuff that I'd like to share, but due to
21 the time, I won't do that.

22 I'd like to just say a couple things. Fear
23 itself is the biggest enemy, fear of the unknown,
24 what's going to happen. Comments I've heard tonight
25 and the things I've read, I have not found anything

1 yet that's actually going to say this is what's going
2 to happen if this project continues, that it's going
3 to restore the Marsh. We don't know that. I'd like
4 to see some improvement to what's going to happen,
5 but no one has come up with that.

6 So I guess I'd like to say, I don't know how
7 you do your job and sort all this out to make that
8 decision, but I'd hate the idea of somebody living
9 elsewhere to make decisions that affects my family,
10 and I'm grateful for the Barnes. I've worked for
11 three different companies. I'm getting too old to
12 start over again. And so I encourage you to favor
13 the project that's going forward, to protect not only
14 the Marsh, but protect our life source of water.
15 Thank you.

16 LT. COL. De WILLIE: Thank you, sir. Tom
17 Jenkins? Tom Jenkins? No response. Robert
18 Kreimes?

19 MR. KREIMES: Thank you, Colonel.
20 Robert Kreimes, resident of Huron, president of a
21 construction company for the last 15 years. In the
22 interest of time I won't go through the fact that I
23 did live at Cedar Point and I've seen what the Marsh
24 was, what it is today and what it could be.

25 I guess my important point about the Barnes

1 family is the fact that people here that know me know
2 I'm a working fool. This family here are working
3 fools. I work 12 hours a day. This family works 15,
4 16, 17, 18 hours a day. I pay more in taxes than
5 what I make in the year. These people are paying a
6 million dollars in taxes.

7 I'll survive and I work every day to
8 survive. This family is here trying to survive, too,
9 and in the business of ecology and nature, I think we
10 need to coexist. At the same time we can't
11 micro-manage nature to the point that we can't use
12 the resources to keep our businesses going and keep
13 families going and keep our community going. Thank
14 you.

15 LT. COL. De WILLIE: Thank you. Scott
16 Williams-Risens? Scott Williams-Risens? No
17 response. John Stone?

18 MR. STONE: Good evening, Colonel.
19 I'm John Stone. I spent years and years within this
20 very building as a biology teacher, ecology teacher,
21 taxidermy teacher, teach whatever until my
22 retirement. I have a degree at Ohio State.

23 I've been down at the Marsh since 1957 doing
24 a little hunting, doing a little fishing. I've seen
25 the project and the progress. There is nothing in my

1 opinion with the Barnes canal. It should be
2 approved.

3 There's organizations from all over the State
4 here. It's kind of like the Bambi project, the Walt
5 Disney thing, but, in fact, the only danger to
6 Sheldon Marsh has been mentioned three or four times,
7 is the barrier beach is going to let go, one of these
8 big northeasters, northwestern. The Barnes now are
9 no more of a threat to the health and longevity of
10 Sheldon Marsh than a great sunami washing in and
11 tearing out the Marsh.

12 If all these groups would get together, the
13 groups of State and the Federal -- and that barrier
14 beach, they're going to save Sheldon Marsh, if not
15 it's written in the rock of ages that it's going to
16 disappear. Someone mentioned that, over the last 30
17 years, which is true.

18 And, in fact, if you go east and you go west
19 all of the Marsh area you're going to see ruffraff,
20 all valuable property is ruffraff and ruffraff, and
21 Lake Erie is pouring in and tearing out beloved
22 Sheldon Marsh. Barnes is no threat in my
23 professional opinion. Thank you.

24 LT. COL. De WILLIE: Thank you. Richard
25 Graham?

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MR. GRAHAM: Colonel De Willie and Mr. Montone, I come before you today representing the Ohio Izaak Walton League, Ohio Division, which consists of 24 chapters and 2,700 members, also the national organization representing 35,000 people and 330 chapters.

I'll attempt to summarize written testimony as presented by the president as well as myself. We are nationally involved for the defense and preservation of wetlands.

Lake levels of Lake Erie have dramatically changed over the last 150 to 175 years. I've talked personally with many people, not many, but a number of people that experienced the lake over 125 years ago during the time with conversation with family members and that.

The existence of beaches and areas which are currently covered up -- covered up with water existed long ago and the dynamics are forever changing.

The dynamics of a category three wetlands involve many issues which are critical to the dynamics of the wetland area. The effects of watershed and lake levels create situations that continually affect changes in the ecosystem. This is ecology. They are not stable. These areas were

1 continually changing.

2 Artificial modification of a natural wetlands
3 area can cause long-term and short-term problems
4 relative to the invasion of species which are not
5 natural to these areas, and the immediate and
6 adjacent areas also can dreadfully affect these
7 areas.

8 At this time, I support the denial of this
9 permit and call for full restoration of this area. I
10 hope that the Corps of Engineers and the community
11 can work with the Barnes to effect a permanent source
12 of water which will not impact the Marsh area.

13 I really would consider a deep water pipe
14 because personally I'm not certain that water levels
15 are not going to drop drastically further in the
16 long-term. Things seem to be on a down swing, and I
17 know that the Lake has been much more exposed along
18 the shoreline in past years than what they are at
19 this time.

20 I do not know whether or not these channels
21 would be adequate to permanently supply water due to
22 the long-term potential for further lowering of the
23 water levels in the Lake.

24 Our natural resources are not inherited from
25 our ancestors, but are on loan from our future

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1 generations. Let's make certain that this Sheldon
2 Marsh, which is one of our greatest natural resources
3 in this area, is preserved. Thank you.

4 LT. COL. De WILLIE: Thank you. Jerry
5 Leto? Jerry Leto? Okay. He's coming down.

6 MR. LETO: Good evening, Colonel,
7 Mr. Montone, and I'm not very good with names, but
8 good evening. My name is Jerry Leto, Jr. I'm an
9 employee of Barnes Nursery, as you can tell by my
10 attire.

11 But I just want to say from seeing the Barnes
12 business ethics on a day-to-day basis, I can say from
13 my heart that I know that they won't do anything to
14 hurt the ecology. I am probably standing here today
15 by seeing their activities, the way they deal with
16 the employees, their customers and the community to
17 support them here today.

18 I urge you to let them complete the project
19 and get on with their business and let everybody
20 enjoy life here as we want to. I don't think there's
21 any harm there, and I didn't write a speech, so I
22 guess all I can say is I'm in support, and I ask you
23 to help them complete the project. Thank you.

24 LT. COL. De WILLIE: Thank you, sir. Ted
25 Moser? I believe it's Ted Moser, 520 Milan Avenue.

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1 MR. MOSER: Good evening, Colonel.
2 That's Joel, J-o-e-l J.

3 LT. COL. De WILLIE: I'm sorry.

4 MR. MOSER: As you can tell, I'm an
5 employee of Barnes. I've haven't been working there
6 very long, probably a month and a half now. I've
7 worked for other nurseries. I am certified by the
8 National Organization for Nursery and Landscapers as
9 a grower.

10 I heard several comments tonight about water
11 stock. Nursery stock, if you cut out your water on
12 nursery stock per container, it actually takes a half
13 inch to one inch per night to keep plants alive and
14 vegetation.

15 In the last month or so that I've been with
16 the Barnes, I've seen a family that's not only
17 concerned for their business, but more so for their
18 employees, more so for the environment and for the
19 community around them. I know in my heart they
20 wouldn't do anything to harm the environment. I see
21 a lot of dedicated people, more than I've ever seen
22 in my life, working for the company putting in hard
23 hours to take care of their families. These are
24 people who take care of people and their families.
25 Let us keep our project. Thank you.

1 LT. COL. De WILLIE: Thank you, sir. This
2 concludes the card portion that I have currently in
3 my hand. Is there anybody else who would like to
4 make a comment for the record? Is there anybody that
5 would like to make a comment for the record since
6 there are no more cards?

7 We've been at it for the better part of three
8 and a half hours. I'd like to conclude tonight's
9 public hearing. I appreciate your sentiments, your
10 passion, your energy, and a lot of your thoughts and
11 feelings, too. I think that it's going to enable me
12 as the decision maker ultimately to see I think what
13 can be best be described as a balancing act in nature
14 where we're trying to weigh on one side for the
15 development and on the other side the environment,
16 and, yes, that is a delicate balance act, yes, it's a
17 difficult job, but it's what we're charged to do.

18 With your public comments tonight, I think
19 I'm better enabled to do that, with my walk on the
20 grounds myself today and almost getting a bull's head
21 dropped on my head by an eagle who missed me by about
22 five feet. I'm convinced that that's an interesting
23 and really neat resource out there, too.

24 So I thank you for all your time here
25 tonight, and let's conclude tonight's public

1 hearing.

2 THEREUPON, the public hearing concluded at
3 10:49 p.m.

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CERTIFICATE

STATE OF OHIO)
) ss.
COUNTY OF ERIE)

I, Laurel M. Keller, Registered Professional Reporter and Notary Public within and for the State aforesaid, duly commissioned and qualified, do hereby certify that the foregoing is a true and complete transcript as taken by me in stenotype and later transcribed under my direction of the proceedings. I do further certify that I was personally present in the hearing room during all of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office at Sandusky, Ohio this 10th day of September, 2001.


Laurel M. Keller, RPR
Notary Public
HUNTLEY REPORTING SERVICE
P. O. Box 1067
Sandusky, Ohio 44870

My commission expires 12/8/05