

**APPENDIX C1 and C2
PUBLIC COMMENTS ON THE INITIAL
NATURAL RESOURCE RESTORATION PLAN & ENVIRONMENTAL ASSESSMENT
FOR THE ASHTABULA RIVER AND HARBOR SITE AND TRANSCRIPT OF PUBLIC
MEETING**

**APPENDIX C1
PUBLIC COMMENTS ON THE INITIAL
NATURAL RESOURCE RESTORATION PLAN & ENVIRONMENTAL
ASSESSMENT FOR THE ASHTABULA RIVER AND HARBOR SITE**

(ALPHABETIZED) LIST OF COMMENTERS

1. Astorino, Mark
2. Bacon, Mr.
3. Barton, Neil & Susan
4. Beacon, Ken (emailed as Matthew Cuthbert)
5. Bennett, Ward
6. Clark, Duane
7. Corbissero, Carmen (Lefty)
8. Eames, Leonard [Co-Chair, Ashtabula RAP]
9. Farber, Natalie [RAP Coordinator, Ashtabula River Partnership]
10. Frisbie, Bob & Anne [President & Treasurer, Ashtabula Marine Museum]
11. Goode, Paul & Pat
12. Greicius, Lorna
13. Grippi, Kevin
14. Hale, Dennis & Barbara
15. Hanneman, Mark
16. Hill, Scott [Western Reserve Land Conservancy]
17. Jacobs, Sanford
18. Joseph, Brett
19. Keenan, John
20. Kinney, Kathleen
21. Lichtkoppler, Frank [member, Ashtabula River Partnership]
22. Mosier
23. Panzarella, Loretta
24. Penna, Michael
25. Rabeneck, Karl
26. Rapose, Ann
27. Tucker, Earl B.
28. Santiana, Joe [President, Ashtabula Lighthouse Society]
29. Schmidt, Philip
30. Slaviero, Jack
31. Timonere, Tom
32. Tobias, Thomas A
33. Tucker, Earl B.
34. "Unnamed" [handwritten on Star Beacon story clipping]
35. Wayman, Mike [Chairman, Ashtabula Township Park Commission]
36. Wright, Paul E. Jr.

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Mark J. Astorino
Ashtabula, Ohio 44004

RECEIVED
MAY 02 2008
OHIO EPA NEDO

April 28, 2008

Mr. Regan S. Williams
Division of Emergency & Remedial Response
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

Re: Draft Natural Resource Restoration Plan & Environmental Assessment for the
Ashtabula River and Harbor Site

Dear Mr. Williams,

I am writing as a resident of Ashtabula, Ohio, in particular support of restoration
Alternative C, as outlined in the above captioned plan.

While it is true that the affected area(s) have suffered great natural resource injury, what
is also true is the resulting devastating impact on the local economy and the associated
health risks that ensued for over a decade.

True reparation and true justice to those who live in the community are not simply to
fund "fish" projects. What is also required are results that are tangible and visible, and
that create a sense of reparation, while at the same time supportive of the natural habitat.
This is evidenced by the project in Fox River, which I am sure you are familiar.

In closing, I implore your support for Alternative C and I will indeed pray for the same.

Sincerely yours,

Mark J. Astorino

From: NEIL N BARTON <
 To: <re
 Date: 4/27/2008 11:26:14 AM
 Subject: Ashtabula breakwall walkway project

Dear Mr. Williams,

April 27, 2008

My name is Neil Barton. I write this letter to you on behalf of my wife and myself with the hopes and expectations that it will and should sway and convince you that the distribution of the settlement funds should absolutely included the Ashtabula breakwater walkway project. I address this opportunity from a unique perspective that is different in a real sense than most people could not have. Not necessarily better but indeed different. Having served in the Coast Guard I had the distinct privilege of spending two years of that time on the Ashtabula lighthouse at a time when it was being maned by the Coast Guard personnel. I came to know not only the lighthouse like the back of my hand but also the surroundings, the people, the fishermen, the traffic, the boats, the water and its environment. Presently my wife and I are members of the Ashtabula Marine and Coast Guard Musieum and also the Ashtabula Lighthouse Preservation And Restoration Society. It is my most firm belief that it has been adaquately demonstrated that man and nature do not and cannot live in separation from each other and therefor have a direct and constant impact upon each other. In this case the beneficial consideration of the fish can best be accomplished by the inclusion of man and his environment, which is inextracably involved with the fish and the man's habits when it comes to his desire and need to fish. A mans involvement with fish and fishing enhances his concern for and about the fish. This can only be good for the fish. The more positive involvement of man the more good for the fish. This is not only a truism for now but obviously includes future generations.

All this brings us to how the Ashtabula water walkway would be the perfect solution for man and fish living in beneficial and mutual harmony. If you are not familiar with the Ashabula area, its harbor, its waterfront, its beaches, its breakwater, and its lighthouse (which is in process of restoration), a simple examination will reveal that it is rich with history and has always been a vital part of its economy and its people in general. There has never been a time when the breakwater has not been an item of great necessity and fascination with all who are aware of its presence. Many have and still do walk the breakwater for fishing and excursion. Because of the somewhat present ruggedness required of the challenge to do so, this can be accomplished only by the harty and the adventureous. The proposed walkway would dramatically and emphatically change this. The proposed walkway would now be accessable and available to almost everyone. With periodic fishing areas running out for a mile and benches for strollers we would witness the entire area come alive as never it has dreamed before. The positive impact on the economy could only be a boon to the entire area. There would be nothing else like it.

With the education center on the beach more people than ever would be exposed to the nature surrounding them and their environmental impact with the water, the fish and their involvement with them. A hightened awareness of this can only be good for the fish and man and the wildlife in general. Again, you can't involve one without involving the other. For the sake of the fish and mankind, who are destined to live with each other, we emlore you to give due consideration to make this a reality. We see this as your responsible debt to both the fish and the people of this area. This is a very rare, one time opportunity, to resolve the deserving need of many; the water, the fish, mankind and the furture of all of them. We ask you to be so understanding, appreciative, compassionate and emphatic that you too would insist that it must be done. You will never know just how many will be forever grateful for your foresight.

We thank you for your honest and forthright consideraton, Neil and Susan Barton

CC: Bob Anne Frisbie

From: "Matthew Cuthbert"
To:
Date: 4/29/2008 5:03:32 PM
Subject: Natural Resource Restoration Plan & Environmental Assessment for the Ashtabula River and Harbor

Dear Mr. Williams et al,

This e-mail contains questions and comments on the Restoration of the Ashtabula River and Harbor project. First the questions:

1. Previous monies were awarded to the Ashtabula Township Park Commission for the acquisition of land along the Ashtabula River inside the City of Ashtabula. What were the total monies awarded for that project?
2. What other monies were awarded from that source?
3. How much money is still available from that source?
4. The City of Ashtabula acquired a Beach Cleaner they have used to eliminate some of the threatened and endangered species along the beach area of Walnut Beach. Were any monies used from any funds associated with the Ashtabula River Project for the acquisition of the Beach Cleaner?

In reference to the Draft Natural Resource Restoration Plan & Environmental Assessment for the Ashtabula River and Harbor Site I offer the following comments:

I prefer Alternative B. However, unless the acquisition of land is near the Walnut Beach area I am opposed to it. The land near Walnut Beach has the greatest potential for eco-tourism and would reap the greatest reward via the preservation of threatened and endangered species. Also, the elimination of the various invasive plant species, most notably *Phragmites australis*, would not only secure the area by safely removing a fire hazard from nearly 100,000 tons of coal stored next to it, but it would go a long way to restoring the area for native flora and fauna.

I wrote a proposal for this purpose during the time that resulted in the

award of the Brockway property to the Ashtabula Township Park Commission. You may review it as a further comment on this money.

In closing, I would like to remark on three individuals that attended the trustees meeting on Tuesday, April 22, 2008 at the Lakeside High School.

Phil Schmidt has been against restoring the area near Walnut Beach to preserve native plants nearly since the beginning. When the Ashtabula City Park Board, of which I was an officer, utilized the Sam Wharram Nature Club, of which I was also an officer, to clean-cut, the invasive tree species, notably the Aspens, he was the only person in the entire city to complain. He has personal issues with Jim Bissell and the Cleveland Natural History Museum. When I wrote the city's first proposal, I utilized both the Cleveland Museum of Natural History in conjunction with Jim Bissell and the Holden Arboretum.

Kevin Grippi has bounced from project to project and from group to group in effect "building a resume." His interests in this project, or any other, are purely self-serving. He knows little about habitat restoration and cares even less. I was offended that he pressured the trustees by opining, "We need a break," which appeared as the Star-Beacon's headline the day following the trustee's meeting at Lakeside.

Tony Cantagallo, Ashtabula's City Manager, is at the center of a hostile regime with his own ideas for Walnut Beach. If possible, he knows even less and cares even less than Mr. Grippi about eco-tourism and habitat restoration. His goal is legacy building, instead of moving forward with a plan (mine) that would benefit nature and people alike. His ideas are ill conceived and shortsighted.

Thank you for the opportunity to comment and ask questions. I look forward to your answers from your earliest convenience.

Yours,

Ken Beacon

#5

RECEIVED

APR 28 2008

OHIO EPA NEDO

Apr. 24, 2008

Dear Mr. Williams,

As a resident and local business owner for over 54 years I recommend Plan C for the final Ashtabula River clean up phase. The more people can get involved in the wonderful resource of the river and lake the better. The industry the polluted our river and lake is now all gone. We only have the river and lake as a resource now. Up stream is very shallow so it has a very limited use. North of W 24 st. is where boaters and fisherman spend their time and money. A walkway on the break wall would be a huge tourist attraction. People could fish without a boat. Walkers could enjoy the view. I think the people aspect of this project should be emphasized the most. Different plants won't change a thing.

Yours truly,

Ward Bennett

#6

RECEIVED

APR 28 2008

OHIO EPA NEDO

OHIO EPA,
Dear Ohio Division of Wildlife,

I am writing concerning the settlement from all the pollution damage created by the chemical industries and other industries that contaminated Lake Erie, Ashtabula River and Fields Brook and other streams in this area during the 50's, 60's, 70's, 80's and 90's. I remember as a boy, Fields Brook was full of brook trout and other trout & fish. Also the Ashtabula River, Lake Erie was teeming in the 50's with lake trout, blue fish, pickerel, bass both small and largemouth, northern pike, muskell, yellow and white perch, gambou perch also, sturgeon, smelt, creek chubs, and probably even native trout. I remember my father use to have an old thermore with all the Lake Erie fish on it. He bought it in the 50's. So I would like to see ^{the} fish that were in the lake and streams restored to what it was in the 50's. On any night you could go along the Lake night or day and see fisherman's boats as far as the eye could see. This is because the fishing was great. Some of the same fish mentioned above still exist in places like the Hartstown Swamp Lake (pickerel, namely) and other lakes in the area. As I understand it in ancient times these were part of Lake Erie. So check it out! Also I've heard some places still exist in Canadian waters. Also check some of the old ponds around here as I know some fisherman stocked their ponds in the 50's. Yes there were a lot of excesses back then too, not all of them by industry. There was some waste of fish resources too because fish were so plentiful. Some people used them for garden fertilizer. That must never be allowed to happen again. Whether it be by industry or commercial fishing or the average Joe on the street who recreationally fishes or the commercial shipping interests that dump their bilges full of sea

(next page)

Lamprea. They should replace 10X the fish destroyed. In 1950's terms that would be millions of fish of different species. Where some are extant replacements could be used and encouraged. Even the accidental Golden Trout should be encouraged as they seemed to thrive in Cowels Creek and the Lake. More of Arcola Creek and Wheeler Creeks should be opened to public access thru parks and stocked with various types of trout. Especially since Arcola suffered a chemical spill at its peak fishing period that killed most of its fish. Cranby Land owners who oppose fisherman should be bought out, but at the same time fisherman who don't respect the resource or water or property rates should be dealt with harshly as well as litter bugs. On all streams as well. aka Pop Cans, Lines, Wrappers Garbage and what have you should be banned. Respect the Resource signs erected at the parking lot or near the stream. Also containers for broken line instead of littering. Also line should be biodegradable but strong. All others should be banned. Again Respect the Stream & Nature. Also Respect the Resource and protect it from over hunting and over fishing. I fear that has been done already here in the state with our deer population and some of our fish (Walleye) in Lake Erie. I suggest a 5 year moratorium to allow populations to recover. After all I am a sportsman and many friends who come out of state prize our wildlife here in Ohio for its record sizes and quantity. We would lose their attention if they always come up empty. Imagine the economic loss of that to the state and Northern Ohio which is already hurting. I urge the State to use this time to obtain new game lands in vast tracts to restore habitat for the deer. Especially along Ohio's eastern border where

in PA Deer are plentiful. They would enter Ohio more if there were protected Game Lands in Ashland and Trumbull Counties, also Southwestern Ashland and Geauga and Southern Lake Counties where their terrain is ideal for all wildlife and crosses the Grand River. A concentrated cleanup of the Grand and restoration of its Dam and spillway and its fish ladder repaired wouldn't hurt either. Right now the fish can't get up stream because of the broken ladder, also there's too much silt and debris behind the Harpersfield Dam. It needs a good dredging above the Dam & logs removed from Dam as well as the repair. Also an old water plant needs either restored or its canal opened and dredged or removed all together and added to the park. Also north side or east should be parks for canoe access - Boat access with same above rules of respect. The Resource and Heavy Various Fish stocking: Namely Various Trout, Muskies, Bass (small & large), Perch, Northern, Walleye, Crappie you name it. In short I want to see the Grand crawling with fish as well as local streams and Lake Erie. In short I want that tourist to thoroughly be able to enjoy his visit as long as he respects the Resource or contributes to its further improvement and doesn't abuse the privilege. Leave the Boon at home. Don't litter the resource with beer cans & trash.

Please ODNR Do it Right! Don't Wait till all of Ohio my beautiful Ohio is wall to wall concrete & houses to try and restore what is already will be lost. Buy the Game Lands Now & Don't allow them to cover Ohio in concrete completely. I'm for progress as long as it respects the Resource and the God who made it and the state's matter. Remember the Wildlife were here first and were supposed to share this planet with them and they are here for our enjoyment.

also I want to remind the state EPA to do a better job of tracking down these private small dumps that may or may not contain chemical contaminants as well. Some of them may have been buried and forgotten about and could cause health problems to us and the wildlife. Dig a little deeper, question a little longer and ask the right questions of the right people and don't take it on surface.

on the settlement as I said I want a thorough cleanup as in ^{the} plan with replacement & restoration of all species lost as I stated. I want to see access also to those resources with the proviso mentioned in ^{the} C. I would like to see the boat rental & launch ^{rooms} restored at Lake Shore Park also its boat dock similar to Conneaut. Also one at Geneva State Park. More fisherman access at this park also closer parking to water again similar to Conneaut. Also restoration of all contaminated rivers & streams with their fish restored 10 fold. I know they will say it is too expensive, but they didn't worry or think when they polluted them. All they thought about was making \$ money they would make. They didn't even think about people's health. They simply didn't care. So let this be a lesson to them not to pollute anymore & respect the resource. Restore what was made. Oh and dredge the Ashtabula River all the way to Main Avenue for more boating access & docks. Replace East 24th bridge with a lift bridge & maybe main again for the above reason and the economy could use the lift. I hope to see more fish like the one in the star beacon photo more numerous and plentiful in Lake Erie. The Grand, Arcola, Wheeler Creeks, Cowled Creek, and Conneaut Creeks of all species. Also in Pymatuning-Harts Town-Shenago Watershed. By the way the settlement should include EPA as New York Water which also for their pollution companies parts in the destruction of Lake Erie.

Sincerely,

D

P.S. Restore Huge amounts of Bait fish first like the smelt, Creek Chubs, minnows, Sun fish, Bluegill, Cats, sheepshead and any other small fish before adding the major fish. Like Lake Trout, Sturgeon, Gar, Walleye, Bass Both Small & Large, King Salmon, Steelhead-Rainbow Trout, Brown Trout, Dolly Varden Trout, Brook Trout, Golden Trout, Blue Pike (if I can't find), Pickrel, Atlantic Salmon, Pacific Salmon, Chinook Salmon, Northern only after major fish are established, Muskies, Perch, Both White & Yellow, Strippers, Rock Bass, Black Bass, Crappies and any other major fish that could tolerate Lake Erie and not destroy other parts of the fishery or imbalance it.

P.S. Would love to see Pickrel and Blue Pike Back if you can find them. Check as I suggested! Also go back and see what was formerly in Lake Erie and try to re-introduce those species if available. You would have to do several nettings at Hartstown, Canada Lake Erie streams with their permission, and the various ponds & lakes in this area ~~near~~ ^{near} I 90 near Connecticut. I'm told there might be some in there from years ago on the left line & one pond owned by the city of Connecticut. These ponds were built when I 90 was built in the 60's. Liked said previously fisherman placed their catches in those ponds hoping someday to have good fishing in the ponds. Some of them may I'm told be Blue Pike or Pickrel. Please let me know if you find anything or if I've been of any help. Here's Hoping We Have Good Fishing Again!

1992



Mr. Williams
Chief, S.A. Northeast District Office
210 East Ataroga Road
Twinsburg, Ohio 44087

#7

Mr. Regan Williams
April 30, 2008
Ohio EPA's Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio, 44087

Dear Sir:

I was born at 427 East 16th. Street, Ashtabula ,Ohio, on 11/18/34, located on the south side of Fields Brook, swam and fished in fields brook and the Ashtabula River as a young Boy. Was devastated by the demise of Fields Brook and the Ashtabula River, in 1968 World Book Encyclopedia states: 5 Chemical Industries pour waste into Fields Brook turning it white or sometime green or red, one of the most polluted streams in the United States.

I'm appalled that the Public Hearing was not held in the City of Ashtabula like all the other hearings that were at Ashtabula Kent State, it's almost like you did not want a lot of people to attend because your minds are made up to were this money is going, that is sad for the City of Ashtabula.

The Citizens of Ashtabula have suffered because of this pollution, the cancer deaths in East Ashtabula have been much more than normal, in fact a study was done in the 1980's stated that fact.

I feel this money should be given to the City of Ashtabula or the Ashtabula City Port Authority for the walkway on the Walnut Beech Breakwater. 90% of the residents of Ashtabula County do not have boats so they could use this Breakwater, which ever 30 or 40 yards would be a plate form with a bench to fish from. I'm sure a lot of people would like to through a line into Lake Erie , catch a Walleye, Perch, Bass, or whatever. This concept would be a boom to the City of Ashtabula and Ashtabula County.

Sincerely

Carmen(Lefty) Corbissero
Ashtabula ,Ohio 44004

cec
file

Mr. Regan Williams
Ohio EPA's Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio, 44087

April 30, 2008

Dear Sir:

I was born at 427 East 16th. Street, Ashtabula ,Ohio, on 11/18/34, located on the south side of Fields Brook, swam and fished in fields brook and the Ashtabula River as a young Boy. Was devastated by the demise of Fields Brook and the Ashtabula River, in 1968 World Book Encyclopedia states: 5 Chemical Industries pour waste into Fields Brook turning it white or sometime green or red, one of the most polluted streams in the United States.

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Sincerely

Carmen(Letty) Corbissero
2943 West 13 th. Street
Ashtabula ,Ohio 44004

cec
file

8

From: leonard eame.
To: Regan Williams
Date: 4/28/2008 6:22:37 PM
Subject: NRDA Comments

Dear Sig,

After reviewing the draft restoration plan it is evident alternative "B" is the only choice plausible. To acquire, restore and rehabilitate habitat closest to the mouth of Fields Brook and downstream to the harbor is of the utmost importance. The 5 1/2 slip and the peninsula adjoining it are prime candidates to help accomplish the goals of the NRDA doctrine.

While breakwall walkways and learning centers are admirable "public works projects" they have little to do with repairing injuries to the environment. They also would be difficult to maintain and require a stewardship hereto for not mentioned by proponents. I commend the hard work and intelligent planning so far displayed by the trustees and ask that you stick to the letter of the law so to speak and not be swayed by public pressure to commit to projects that would only be short term in the scheme of Mother Nature.

Let your guidance be what is best for the environment in the long run, and the human aspects will follow in due time. This project has been ongoing for 25 years or more and it is apparent that humans structures like political careers are only blips in time, the better for nature is the better for mankind.

Respectfully submitted, Leonard E. Eames
Co-chair, Ash. River Remedial Action Plan

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. Try it now.

From: Natalie Farber
To: Williams, Regan
Date: 4/30/2008 5:32:43 PM
Subject: NRDA Plan Comments

Sig.

After reviewing the Trustees' draft Ashtabula River Restoration of Natural Resources Plan, I am offering a couple brief comments, as below:

As the Ashtabula River RAP Coordinator, I definitely and wholly support Alternative B to the exclusion of all other Alternatives. Ohio EPA partnered with the Ashtabula community 20 years forming a Remedial Action Plan (RAP) Advisory Council whose focus and intention was remedial excavation and disposition of contaminated sediments in the Area of Concern (AOC) designated as the lower two river miles — all remedial work which was completed in 2007. The current RAP focus is upon delisting each of the 6 (14 total) Beneficial Use Impairments (BUIs). All 6 BUIs in the Ashtabula AOC are related to contaminated sediments, e.g., do-not-eat-all fish consumption advisory, degraded fish & wildlife populations, fish tumors & deformities, degraded benthos, dredging & disposal restrictions, loss of fish & wildlife habitat. Dredging the lower two miles and removing 60 years of highly contaminated sediments was the very best remedy, however very tough on the river bed physical structure and existing biota, fish, birds, aquatic insects. Among all the Restoration Alternatives listed therein, Alternative B is not only the best idea but critical to restoring, replacing, rehabilitating the AOC's injured and damaged resources. Perhaps more relevantly, Alternative B directly speaks to the AOC Delisting Strategy, e.g.:

- a) With acquisition of coastal areas and riparian areas in the AOC and also within the upper watershed, the lower AOC may be directly restored, enhanced, and protected post-remedy - all of which was envisioned by RAP Advisory Council 20 years ago. ;
- b) The local fishery will be greatly enhanced, especially by restoring existing wetlands at the CDM property and creating new ones where hydric soils and hydrologic regimes are present and complimentary. Once the entire watershed undergoes more restoration and rehabilitation, the human community can similarly reap benefits, as they so choose and desire, in the local economy, tourism, culture, ecology, social fabric.
- c) By far, the most important value of Alternative B's implementation is the rapid restoration, replacement, and rehabilitation that will undoubtedly occur, than if the AOC is simply left to recover on its own post-remedy. Frankly, that scenario will likely require another 50-60 years! An otherwise lengthy restoration timeframe (if no Alt B) stems from RAP members directly observing in 1999 the resumption of large perch, bass, shad, walleye spawns in the AOC. And then in 2000, the return of Great Blue Heron and White Egret actively wading and fishing near the 5 ½ slip peninsula. RAP members excitedly remarked that none of these populations had been much in evidence throughout the AOC since after Fields Brook and river industry commenced in earnest 60 years ago, followed soon after by widespread and prolonged natural resource damages.

I hope these remarks are helpful to you. If you wish to discuss or have questions, I may be reached at

Natalie Farber
 Ashtabula RAP Coordinator
 (614) 644-2143

Natalie Farber
 Environmental Scientist
 Ashtabula River RAP/NPS Unit
 (614) 644-2143

(614) 644-2745 FAX

From: "Fri
To: <r
Date: 4/28/2008 12:37:52 AM
Subject: Comments

Dear Mr. Regan Williams, Ohio EPA Northeast District Office

It was evident at the meeting on April 22nd 2008 that the Trustees had their minds made up that option "B" was the only one they supported. As Mr. Phil Schmidt of Geneva mentioned in his comments to the Trustees, each idea presented needs to be weighed as it is placed on the chart so all ideas receive the same value. Those that were presented to the selection process at present seem to all show a bias to the "Fish & Game" and little or no value to "Human Use"!

Many of us that attended felt the fish and river should get the bulk of the attention, and the "Human Use" part of the project should also get a helping hand. The polluted river was vacated by many of the polluters who left town with their profits and we on the other hand are still here! Signs stating the river was polluted chased who knows how many people, industries and potential industries, away thus leaving those of us who are still living or visiting here the "economic losers"! The pollution has killed or is slowly killing who knows how many "HUMANS" and fish.

If the City of Ashtabula and the interested citizens of Ashtabula County could use a portion of the Ashtabula River and Harbor monetary settlement to revive an industry that is slowly being cultivated in the county, "Tourism", maybe the constant reminder of economic depression would be significantly lessened! We feel that if we are given equal opportunity and a portion of the settlement money to apply towards our suggested projects (Option "C" - The Interpretive Center at Walnut Beach & The Break Wall Walkway to the Ashtabula Lighthouse); we could make the Tourism Industry come true for the area.

EVERY person who hears about the Walkway Project says, "That is a great idea and people would come from all over to be that close to the water, the sport fishing and the lighthouse too!"

My only question now is why hasn't the portion of the Fields Brook settlement funds that is still available been set aside for the Ashtabula Township (Brockway property) HUMAN USE and left out of this equation?

Thank You for considering our request for a portion of the funds to assist in the HUMAN USE portion of the project!

Bob Frisbie - Director

Anne Frisbie - Treasurer

Ashtabula Marine Museum

P.O. Box 1546

1071 Walnut Blvd.

Ashtabula, Ohio 44005-1546

E-mail Address:

Website: ashtabulamarinemuseum.org

From: "paul goode"
To: <re
Date: 4/29/2008 9:34:34 PM
Subject: river remediation

Mr. Williams,

My wife and I attended the meeting at Lakeside H.S. last week and briefly spoke with you afterwards. I am writing to put in my 2 cents on the matter of designation of resources to further correct deficiencies caused by the Ashtabula River pollution.

Neither of us can claim any proficiency or training directly related to the clean-up matters. Neither of us are native Ashtabula Countians! However, we have, I believe, lived closer than anyone else to the river (1084 Walnut Blvd.) for 35 years, and have observed the "fits and starts" related to residential, economic, and aesthetic realities of life at the lower Ashtabula River.

Economic realities in the Harbor, once responsible for sustaining livelihoods, traditions, culture, have changed here as elsewhere in the "rust belt" We are left only with the coal dock exercising its environmental and aesthetic stranglehold over the entranceway to a river being proposed as a "scenic river"! Only today I received a response from Sen. Latourette's office saying the NS dock operators refused to meet with area residents about our dust and noise concerns.

We agree with the principle that further remediation resources should be principally directed toward further river reconstruction, improving public access and contingent properties. But, given the harmful effect of the river pollution on the human community of the Harbor, it would not be misplaced justice to urge direction of some resources to a project such as the Lighthouse/Walnut Beach Access. At a minimum, funding for a feasibility study for this or other such projects would begin to address this aspect of community damage.

Thanks for the efforts you have already put into the river cleanup and for the opportunity to offer these views.

Respectfully,
Paul & Pat Goode

From: "Lorna Greicius"
To: <reg
Date: 4/22/2008 8:13:34 AM
Subject: Lakeside H.S. meeting

Dear Trustees,

This letter is in regard to the meeting slated for this evening at Lakeside High School in Ashtabula Ohio.

I am unable to attend this meeting however; I would like to add my voice to those of many who believe that the plan submitted to you by our city government, concerning the settlement of the companies responsible for the pollution of our river and harbor. I understand that you have determined that the proposed plan to build a walkway out to our lighthouse in conjunction with an interpretative educational center at Walnut Beach do not meet your requirements. Although the city and county would benefit greatly by the implementation of these two projects, as an educator, I strongly believe the environment and habitat of wildlife would also benefit. By instilling in our children, a respect and wonder for this vital area in our county, they, as future caretakers, would help to insure its safe keeping for many generations to come. Our lighthouse is a national treasure and its history is also the history of the harbor. By providing a "bridge" to the past, with the instillation of a walkway, we are also promoting a secure path and a strong "light" for the future. Without an appreciation of this river, its history, and those who came before, the next generation will not protect or value this area.

As an environmental activist, I am well aware of the consequences this disaster has had on the wildlife and water in this area. However, this pollution occurred over many years and has also had a devastating effect on human lives. Although, I was not raised in this county, I have taught students here for over thirty years. These children need to feel a sense of pride in their history as well as an appreciation for all the beauty that surrounds them.

Please consider these two projects to be worth of your attention and support.

Thank you

Sincerely,

Lorna Greicius

From: "barb.hale" <
To: <
Date: 4/22/2008 9:15:22 AM
Subject: Meeting in Ashtabula

Dear Trustees,

As we are unable to attend the important meeting at Lakeside High School in Ashtabula this evening, we would still like to voice our opinion. We feel that a walkway to the Ashtabula Lighthouse and an educational center at Walnut Beach will greatly instill our future generations with the respect this historic area deserves. The environment and habitat for wildlife would also benefit in the future because a greater interest would be shown in this area, ensuring its appreciation for many generations to come. Please consider these projects to be worth your attention and support.

Thank you.
Dennis & Barbara Hale

From: "Scott Hill"
To: <Dave_De
"Sheila Abral
Date: 4/23/2008 2:44:25 PM
Subject: Ashtabula River Public Meeting

I wanted to thank you all for your time in the hot seat last night. The City of Ashtabula is in the middle of an extremely serious financial down turn and it was apparent in last nights meeting that many of the citizens are interested in using the funds for an economic stimulus project. I can certainly understand this perspective, but the long term economic stimulus that will come from the fisheries and eco-tourism associated with a vibrant healthy river will be an ongoing revenue stream for the community. Please let me know if there is anything that I can do to assist in the decision making process for the restoration of the natural resources on the Ashtabula River.

Thank you for all your good work,

Scott Hill

Eastern Field Director

Western Reserve Land Conservancy
P.O. Box 314
Novelty, OH 44072
Ph: 440-729-9621
Fax: 440-729-9631
sh
wa

The sender of this message represents only the legal interests of Western Reserve Land Conservancy; therefore, any information contained herein, including any attachments or enclosures, relating to tax treatment or other transactional details is strictly informational and is not written or intended to be relied upon, and cannot be relied upon, by any other party as legal or tax advice.

#17

SANFORD JACORS

RECEIVED

APR 28 2008

OHIO EPA NEDO

April 26, 2008

Ohio EPA
Northeast District Office
Att'n: Regan Williams
2110 East Aurora Road
Twinsburg, Ohio
44087

Dear Mr. Williams:

I am sending this letter to express my concern that the "human factor" be given appropriate weight along with "fish and habitat" in the plan to restore the Ashtabula River environment. My wife and I spend part of the each spring and summer at the Lake in Saybrook Township and have become familiar with the River and the surrounding area. That is why I am writing on this subject.

The damage caused by those responsible for the degradation of the Ashtabula River and the surrounding area has touched and continues to impact the habitat for fish, birds, game and humans in the area. As you look for the best solutions to overcome this tragedy, I ask that you give strong weight to a multifaceted approach; one that works on the fish and habitat restoration, but also one that works to restore the human physical and psychological wellbeing of the community.

A program that would incorporate some of the steps proposed in Plan B and also some of the steps in Plan C would be an appropriate compromise. In Plan C the creation of the western portion of the walkway including the ramps for handicapped persons and the fishing piers could, once again, bring humans close to the beauty and miracles of the waters from which they have been denied much too long due to this tragedy.

I would greatly appreciate your consideration of these thoughts in arriving at a reasonable conclusion.

Very truly yours,



Dear Mr Williams,

I am writing to increase your awareness of the Ashtabula river watershed and potential projects beneficial to habitat restoration.

The river bank is completely armored for the first mile inland from the mouth at lake Erie. A Norfolk and Southern coal dock employee spoke of witnessing a deer and skunk swimming to the point of exhaustion after being washed downstream and trapped by the vertical walls. He was successful in saving both of the critters. These vertical walls, and the developers who installed/maintain them, also block human access to this natural resource. Can we take any action to return a portion of the natural riverbank?

My neighbors have allowed me access to their property to establish a wildlife corridor linking the lakefront wetland with the Ashtabula River. This winter I removed Norway maples, tree of heaven and other invasives. I have also discovered the water table is one foot below ground level on the lowest portion of my property. I will soon dig a small pond with a shovel! This will establish a watering hole for the birds, deer, raccoons, etc, which frequent this area. This "pond" will replace one of many destroyed by Norfolk and Southern and other coal terminal operators. I am not looking for any recognition here but would like to demonstrate how one unfunded individual, working alone, can impact the Ashtabula watershed. It is frustrating to see the time and monetary resources wasting away while action could be taken.

The most cursory observation of the watershed would reveal the presense of Strong Brook, the first tributary on the West bank of the Ashtabula river. I have seen many reports of communities restoring streams to a more natural state. Strong brook offers no vertical blocks to fish migration and could be revived to a natural spawning area for lake Erie fish species. This stream runs through the west harbor, very close to "Ground Zero" the contaminated river.



April 25, 2008

Comment on Ashtabula River & Harbor

To Whom It May Concern:

I am sorry I was unable to attend the recent public meeting on Tuesday. I am very much in favor of Plan B.

The Kevin Grippi comment which made headlines in the Star Beacon was very offensive to me. I believe that it is the environment that "needs a break" from us. The potential availability of funds for this project is a testament to the sorry job we have done in the past with protecting our local environment.

I am a property owner in Ashtabula Township with a parcel that extends to the center of the Ashtabula River. For twenty years I have picked up garbage that has been left by individuals, usually on ATVs or in 4 wheel drive vehicles, who have driven up river from State Road and have "camped", and I use the term loosely, along the river. Garbage typically consists of beer cans, food tins and wrappers, even underwear, baby diapers, and used condoms. People have also "washed" their cars and dumped the ashtrays and other refuse etc. on the bank. A little further down the river people dump construction debris etc. Fortunately for me they don't feel the need to drive further up river.

People have the mistaken belief that anything with running water belongs to the public and it is free to abuse. I don't think these citizens are contributing local tourism dollars. (I have a neighbor who has retired now and patrols the river bottom, on his ATV unfortunately, and the amount of abuse has decreased. He can be pretty scary)

ATV and other traffic in the shallow river bed in the summer tears up the river bed and I frequently find dead or dying creatures that have been crushed in the river rocks, snakes, mud puppies etc. We need more restoration and fewer uneducated people in the Ashtabula River basin. Noise pollution from these vehicles is a whole other issue. The sound of ATVs is greatly magnified by the walls of the river basin they are in. It is very loud and offensive up along the river ridges where I live.

I have never had an issue with people who enjoy walking/hiking, picnicking quietly on my property but the river needs protection. I have always granted the requests of persons who take the trouble to request permission to fish from my property.

I had once considered donating my small piece of river bottom to an entity that would preserve and protect it but I don't think there is one.

Kathleen Kinnev

Ashtabula OH 44004

From: "Lichtkoppler, Frank" < >
 To: "Matthew Smith" < >
 Date: 4/22/2008 11:46:55 AM
 Subject: Ashtabula NRD restoration plan public meeting

Matt & Sig;

I plan to present the attached at the meeting tonight. I think we need to refocus on removing the Area of Concern designation and alternative B will help to do just that. Building nature centers and walkways on the breakwall is putting the cart before the horse.

Frank

><> ><> ><> ><> ><> ><>

Frank R. Lichtkoppler
 Extension Specialist, Sea Grant

Painesville, Ohio 44077

PH 440 / 350-2267

Cell 440 / 364-5946

FAX 440 / 350-5928

<>< <>< <>< <>< <>< <><

From: Matthew Smith [mailto:
 Sent: Monday, April 21, 2008 2:40 PM
 To: T
 bbott
 Ande man;
 Natha
 Dingli
 Leunt
 Subject: [SPAM] Ashtabula NRD restoration plan public meeting
 Importance: Low

This is a reminder about the public hearing that is being conducted by

the Ashtabula NRD Trustee's on Tuesday April 22nd at 7:00 pm.

Attached is the public announcement in a recent paper. Comments will be received about the plan. I know that there will be opposition to the plan at the hearing and those in opposition will be making public statements.

It would be great for you to review the plan at the web site below and show up and voice your support for the restoration plan.

<http://www.fws.gov/midwest/AshtabulaNRDA/>

One of the arguments is that the plan only addresses natural resources and not public use. This is not so. Most if not all of the actions in the current plan will benefit public use.

- Restoration of habitat in the harbor would increase fish spawning habitat, which will benefit fishing. How many fishing charters are based in the Ashtabula Harbor?

- Protection of the wooded riparian river buffers and wetlands will protect the water quality of the river thus protecting the Ashtabula fishery. Steelhead fishermen come from all over the country to fish the Ashtabula River from Indian trails/Cedarquist park to the Haddock ford, from October to April.

Anyways this is just a very brief description of how this plan not only focuses on Natural Resource restoration and protection, but the plan will have a side effect of protecting, providing, and creating human use of the Natural Resource.

Please plan on attending and voicing your support of the plan and the need for natural resource restoration and protection. If you can not attend please send a letter voicing your support of the plan to Ohio EPA by way of Regan Williams as listed in the attached announcement.

Matthew Smith

Ohio Department of Natural Resources

Assistant Scenic River Manager

3441 North Ridge West

Ashtabula, Ohio 44004

Office: 440-992-5845

Fax: 440-992-2474

www.dnr.state.oh.us/dnap

OEPA Community Meeting on the Restoration of the
Ashtabula River and Harbor

April 22, 2008 7:00 PM Lakeside High School,
6600 Sanborn Road, Ashtabula

Hello;

My name is Frank Lichtkoppler. I have been working with the Ashtabula Remedial Action Plan Council (RAP) since 1988. I am a founding member of the Ashtabula River Partnership (ARP) and have worked with the ARP since it was formed in late 1994.

In the early 1980's the International Joint Commission declared the Ashtabula River and Harbor a Great Lakes environmental Area Of Concern (AOC) because pollution of the river had impaired the beneficial use of the River.

The Beneficial Uses Impairments documented for the Ashtabula River and Harbor include:

- 1) Restrictions on fish and wildlife consumption
- 2) Degradation of fish and wildlife populations
- 3) Fish tumors or other deformities

4) Degradation of benthos (bottom habitat)

5) Restriction on dredging activities

6) Loss of fish and wildlife habitat

This designation of the Ashtabula River and Harbor a Great Lakes environmental Area of Concern helped to spur on the work of the local Ashtabula Remedial Action Plan Council (RAP). Under the threat of Superfund the Ashtabula River Partnership (ARP) was formed to focus on and find a better way to dredge the contaminated sediments from the Ashtabula River and Harbor. After many years of work this environmental dredging is almost complete. When it is finished it will provide increased commercial and recreational access to the Ashtabula River. However, the environmental restoration and elimination of the beneficial use impairments remains to be accomplished. Natural resource restoration and protection is needed in order to de-list the Ashtabula River from the IJC list of Areas of Concern.

Damages to fish and wildlife populations and habitat in the Ashtabula River and Harbor have been documented and three Natural Resource Restoration alternatives have been proposed.

Alternative A (No action) will do nothing to help restore the beneficial uses of the Ashtabula River and will not help us to de-list the river as an Area of Concern. With Alternative A there will be no increase in public access to Ashtabula River resources and no restoration of those resources.

Alternative C (Human Use) will provide for increased public access and increased public education on the natural resources of the Ashtabula River but those resources will not be restored or improved under Alternative C. This alternative will not help us to remove the Area of Concern stigma from the Ashtabula River and Harbor.

Alternative B (Habitat Restoration and Protection) will: 1) enhance and preserve riparian, flood plain and upland habitat; 2) it will enhance, reestablish and preserve wetlands; and, 3) it will improve the aquatic habitat. These actions will help to eliminate the beneficial use impairments on the Ashtabula River and help us to remove the Ashtabula River from the list of Great Lakes Areas of Concern. This restoration and protection of fish and wildlife habitat will also provide for increased access to the natural resources of the Ashtabula River and

Lake Erie. Alternative B is the only alternative that will increase wetland habitat, increase aquatic habitat, increase fish species diversity, increase fish populations, increase wildlife populations, and improve surface water quality.

Alternative B will help to remove the IJC Area of Concern designation and all the negative publicity and adverse media attention that is associated with that designation. Alternative B will also help to increase the quality of life in the community, increase opportunities for wildlife enjoyment and bird watching, improve fishing (by removing the restrictions on fish consumption) and enhance the local economy via increased nature based tourism, improved boating access and improved fishing opportunities.

Thank you for the opportunity to comment on the Draft Natural Resource Plan.

Frank Lichtkoppler

April 22, 2008

#22

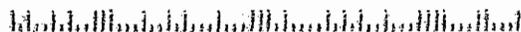
Ashtabula OH 44004



Ohio CPA - N. E. District Office
2110 East Aurora Road
Twinsburg OH 44087

Attn: Regan Williams

924 0013



Ohio EPA, N.E. District Office
2110 East Aurora Road
Twinsburg, OH 44087

14 April 08

RECEIVED

APR 15 2008

Attn: Regan Williams:

OHIO EPA NEDO

Dear Mrs. Williams,

I am in hopes that the restoration plan for the River + Harbor area will also include the gulf which could be made into an interesting and useable Federal Park.

Our gulf is a God given gift which has been ignored and abused for many years. When I was a kid, the WPA or CCC started to work & improve this area, stairs were built to access the ability to get to the bottom easily; an observation deck; benches, area cleared to picnic. The WWII came along, everyone left and no one had been back since.

I think the Gulf could be a year round recreational center. The River dredged to help fish & fishermen, but people could canoe, or tube along the way. Winter ski, sled, toboggan run; trails for walkers & hikers, ice skaters.

Our town, for the most part, was a 2 horse town with the main source of good jobs

Coming from the Railroads and blocks. When they left and the Chemical Companies came in and made our lake and river toilets. Contaminated the soil and the water. I am under the impression that our County is on the E.P.A.'s Superfund list for contamination. No business will bring good paying jobs to build on contaminated soil. The Gulf maybe the only area not having soil contamination.

What can be done to make our Gulf into a Federal Park? Other states have made parks out of grazing land with a horse trough - we have this marvelous piece of land that could really be made into a tourist attraction. What steps need to be done to make a dream reality?

Hoping for the best, I remain

yours truly,

Ashtabula OH 44004

From: Loretta Panzarella <
To: <regan.w@ashtabulaohio.gov> Loretta Panzarella <
Date: 4/22/2008 12:07:41 PM
Subject: Lakeside High School Meeting/4/22/08 Ashtabula, Ohio

Dear Trustees,

This letter is in regard to the meeting slated for this evening at Lakeside High School in Ashtabula, Ohio. I am unable to attend this meeting however, I would like to add my voice regarding the proposed plan to build a walkway out to the lighthouse. The city and county would benefit greatly by the implementation of this project. Our lighthouse is a national treasure and its history is also the history of the harbor. By providing a "bridge" to the past, with the instillation of a walkway, we are also promoting a secure path and a strong "light" for the future. Without an appreciation of this river, its history and those who came before, the next generation will not protect or value this area. Our children need to feel a sense of pride in their history as well as an appreciation for all the beauty that surrounds them. In our "throw away" society we need to work to keep our wonderful old buildings. Please consider this project to be worth your attention and support. Thank you.

Sincerely,
Loretta Panzarella

#24

From: michael penna
To: Regan William:
Date: 4/21/2008 5:59:00 PM
Subject: RE: Ashtabula Harbor Public Meeting

I have read the draft document and EA for the project and I agree with Alternate B: Natural Resource Based Restoration.

Alternate C is ludicrous and would be a colossal waste of money. Lake Erie would destroy the walk before it was completed. I could just imagine people getting stranded in a storm. Whoever came up with that brainstorm should get a lobotomy.

> Date: Mon, 21 Apr 2008 08:54:34 -0400> From: > To:
Subject: Re: Ashtabula Harbor Public Meeting> > Mr. Penna:> The link should be correct but I have attached the document for you.> > We normally use the KSU Ashtabula campus for these meetings but the facility was completely booked through April with various other events. Lakeside was a last resort.> > Regan> > Sig Williams> Environmental Scientist> Ohio EPA> Div. of Emergency and Remedial Response> 2110 East Aurora Road> Twinsburg, OH 44087> 330-963-1210> 330-487-0769 (fax)> > >>> michael penna 4/21/2008 8:36 AM >>>> > I saw the notice for the Ashtabula Project in the Plain Dealer this morning. I am very much thankful for the project. I could not access the project data on the link that was provided in the paper. Could you please send me the correct link?> > You chose to have the meeting at Lakeside High School. Were you aware that this school is not located in the City or even close to the project area? You may want to think about this for future meetings. You may get more participation from City residents.> > Thank you> > Michael Penna> Ashtabula, Ohio 44004>



KARL RABENECK

April 26, 2008

Regan Williams
Ohio EPA Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087

Dear Mr. Williams

The Restoration of Natural Resources Plan for the Ashtabula River, that has been proposed does not address the lack of public access at the mouth of the Ashtabula River.

With docks and shipping facilities lining the river, any Restoration Plan should deliver more than a single canoe launch up river for the citizens of Ashtabula County.

The Natural Resources Trustees should demand that the offending companies provide funds to fix the walkway to the Ashtabula Lighthouse to give citizens access to the river.

Hundreds of people could use this walkway every day to view the river, the restored wetlands and the harbor.

The walkway could also be used for fishing and as a passage to visit the restored historic Ashtabula Lighthouse.

Please take this community need into consideration!

Karl Rabeneck

From: "Kathryn Rapose"
To: <I
Date: 4/29/2008 1:28:23 AM
Subject: Natural Resource Restoration Plan Ashtabula River and Harbor

To Whom It May Concern:

I strongly urge the natural resource trustees to follow through in carrying out Alternative B, Natural Resource Based Restoration for the Ashtabula River and Harbor.

This is the plan that truly addresses the long term needs of Ashtabula and the environment. I have been involved at the local level in trying to preserve and enhance the natural beauty of Walnut Beach and the Ashtabula River. At the county level, I helped to write the Greenspace chapter of the Ashtabula County Land Use Plan.

Those of us active in trying to preserve the natural beauty of our area have long hoped that funds from the Ashtabula River clean up would provide an opportunity to restore habitat and leave a better environment for future generations.

Alternative C has been pushed by the politically connected claiming to enhance the human environment. It does nothing to help the natural environment it claims to want to make accessible to humans. It is more likely to create a maintenance nightmare for future generations.

Please do not turn this opportunity into pork barrel projects. Instead stick with alternative B and restore and rehabilitate Ashtabula's natural treasures.

Thank you,

Ann Rapose

Ashtabula, Ohio 44004

--- Katherine Rapose

-- provider of the Real Internet.

RECEIVED

APR 29 2008

OHIO EPA NEDO

Jack Slaviero
P.O. Box 378
Kingsville OH 44048-0378

CLEVELAND OH 441

APR 20 2008 PM



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ONE CLIP PROX 608

REGAN WILLIAMS
OHIO EPA NORTHEAST DISTRICT OFFICE
2110 E. AURORA ROAD
TWINSBURG, OHIO 44087



44087



Jack R. Slaviero
PO Box 378
Kingsville, OH 44048
1756/1753 - 1036



DEAR REGAN WILLIAMS,
HELLO! I'M A MALE AND WILL BE 68 YRS OLD THIS YEAR. I'M NOT MUCH FOR WRITING BUT I READ THE ARTICLE IN THE STAR BEACON ABOUT THE POSSIBLE THREE CHOICES THAT COULD TAKE PLACE FOR THE ASHTABULA RIVER AND HARBOR RESTORATION. IF I WERE A SOMEBODY AND HAD A SAY SO, I WOULD BUILD A WALKWAY FROM WALNUT BEACH TO THE LIGHTHOUSE. HOW WONDERFUL THAT WOULD BE. I'M BETTING UP THERE IN YEARS AND THAT WOULD BE TERRIFIC EXERCISE WALKING OUT TO THE LIGHTHOUSE, NOT ONLY THE WALK BUT TO OBSERVE THE BEAUTY OF LAKE ERIE WITH THE GULLS PLUS THE OTHER BIRDS AND TO CHAT WITH OTHERS ON THE WALKWAY WOULD BE A REAL TREAT. I ALSO LOVE TO FISH AND TO WALK OUT AWAYS AND CATCH A PERCH DINNER AND I MIGHT ADD IS MY FAVORITE MEAT, LAKE ERIE PERCH, WOULD BE GREAT. THANKS FOR LISTENING. YOU BUILD IT THEY WILL COME.
GOD BLESS.

SINCERELY,

Jack Slaviero

#30

#31



ATTN: Mr. Williams

RE: WALNUT BEACH
PROJECT

FAXING: 330-487-0769

FROM: TOM TIMONERE
STATE FARM INSURANCE
ASHTABULA, OHIO 44004



QUESTIONS, PLEASE CALL: 440-992-7400

PLEASE ASK TO SPEAK WITH:

OR FAX QUESTIONS TO: 440-992-5816

Tom Timonera

To: www
Subject: Walnut Beach project

Sir: as a lifelong resident of Ashtabula, and a non-practicing attorney, I recommend you seriously consider the implications of any plan that denies the human access to the waterfront and break wall along the Walnut Beach area. Similar projects have been done elsewhere, as Mr. Catagalo advised, and the proper protection of our environment should never ignore the essential human needs of our its inhabitants. A balance can be provided, with proper planning and discipline. The beauty and desirability of our waterfront and its lighthouse has been too long ignored. Don't let legalistic thinking or misguided policymaking stand in the way of true progress enhancing the interests of all our citizens. Thank you for listening to those representatives at the recent meeting. Now let the taxpayers of Ashtabula benefit from their tax dollars and dreams of a better life. Tom Timonera

R. J. Timonera

#33

Earl B. Tucker

Ashtabula, Ohio 44004
(440) 964-5085

RECEIVED

APR 29 2008

OHIO EPA NEDO

Regan Williams
Ohio EPA NEO District Office
2110 East Aurora Rd.
Twinsburg, Ohio 44087
(330) 487-0769

Mr. Williams,

After attending the OEPA meeting at Lakeside High School the other night I wanted to have my thoughts entered into the record concerning the proposed settlement and restoration work for the Ashtabula River Project.

I found the trustee's proposals most unsatisfactory and feel that not enough weight has been given to the educational and economic needs of our community in balance to the ecological concerns. In fact, I feel as though the trustees have already made up their minds on this issue and this meeting was nothing more than a pro-forma action to show that they were going through the motions.

I wholeheartedly agree that the primary portion of the proposed settlement should go to the restoration of the waterway; uplands land issues and wildlife restoration. I do however feel that more consideration should be given to compensation for the people of Ohio for the loss of use of the Ashtabula River, it's byproducts and it's ecosystem. This is especially true when you consider the limited number of things that can be done to restore the damaged portion of the Ashtabula River and/or its damaged watershed.

There are several issues and comments that were made during this meeting that I would like to address.

My first issue is the lack of direction and public input into any proposed settlement. The trustees gave me the impression that they are seeking some form of barter style settlement with the companies involved, as opposed to a financial settlement. I would venture that the average citizen is not equipped to conceptualize the reasoning behind seeking such a style of settlement, and while this may seem attractive to your group, it leaves a very bad taste in the mouths of many people. These companies essentially broke the law by polluting Field's Brook, the Ashtabula River Watershed, the Ashtabula River itself and Lake Erie. The economic, health and ecological issues that these actions may have caused are very large and deserving of a great deal of restitution. When this issue is considered you are not just talking about the City of Ashtabula, the Ashtabula River and it's watershed alone. We are also speaking of Lake Erie and the residents of the adjoining states that take their water from the lake and partake of its bounties. I know that the companies involved are going to cry, "Poor us! We cannot afford to do all of this." To that I say, "Too Bad! You created the damage, with reckless disregard to the potential consequences, knowing full well that these wastes were harmful. Now it is time to repair and compensate those who have been damaged by these actions." The words of the Trustees appear to many of us as though the State is going to roll over and settle for just a "slap on the wrist" type of settlement. This cannot be allowed! I would suggest that additional public input should be considered into the settlement process as well as seeking additional public opinion as to what projects should be considered as the result of seeking such a settlement style.

Another issue I have involves the statement made concerning the rehabilitation and restoration of the Field's Brook area. When asked if restoring this area was going to be part of the proposed projects list, the trustees commented that this was not being considered due to the possibility of further contamination of the downstream areas. If the site has been cleaned up why is there a concern over this? If the clean up has been accomplished, it seems to me that it should already be safe for use or have we once again been misled by the state? If I understand your mandate correctly, the restoration of this area as a part of the watershed and uplands ecosystem would be essential to the proposed settlement and the eventual restoration of the river itself. I think that this area needs further consideration.

The trustees also mentioned the purchase of a portion of the property owned by Mr. Brockway, just to the south of 24th St. The idea was to restore that

land into a wetlands area and provide a nature walkway, canoe access/launch area, possible restroom facilities, additional fishing access and the re-vamping of the existing parking area. I view this as an acceptable project in that it meets the mandates of the trustees and will enhance the areas involved, ecologically and at the same time provide for expanded public use an access of the Ashtabula River. The property has been placed under the stewardship of the Ashtabula Township Parks. I would propose that this purchase should be tied into the existing Indian Trails Metro Parks system. In addition to this I would suggest that it, in turn, be connected to the Greenway Trail system which would enhance public access and usage as well as providing continuity to the existing parks infrastructure. A small educational center or kiosk might also be apropos to this project to enhance educational opportunities and assist the public in educating themselves about the restoration process. Tourism and public use would also benefit greatly from this.

Also mentioned were possible projects to enhance the fish habitat of the river along the damaged riverfront as well as fishing access. I see this as a worthy proposal but very tenuous in its ability to be completed without great complications. The predominate portion of the riverbanks along both sides of the Ashtabula River, from 24th St and on downstream are privately owned and already occupied by marinas, the railroads, and other industrial concerns. I hardly think that these entities are going to allow you to impeded the waterways with new fish habitat and allow the public to use their properties to have additional access to the river and it's resources. Yes, some things can be done to restore things, but the predominate portion of the damages to the river cannot be restored in these areas due to current usage and industrialization. Somewhere we also have to consider allowing Mother Nature to heal herself as we have with the long-term restoration of the Great Lakes fisheries and ecosystem. We can help it along but to much interference on our part will lead to another form of damage that may well be just as bad as the damage we are now trying to repair.

The same can be said for the immediate area of the Lake Erie shoreline to the East and West of the river mouth. With the exception of Lakeshore Park and Walnut Beach, private entities or industrial concerns own almost all of the shoreline that could be added to this restoration project.

I would propose that another viable project for the trustees to work on might be the acquisition of the dunes lands and wetlands in and around Walnut

Beach. As there are very few such sites left along Lake Erie, in Ohio, this area would be an ideal plot for restoration and rehabilitation. There is already a small nature trail through the marsh areas and the dunes are in desperate need of restoration. The building of a nature center, acquisition and restoration of the ecological assets and public access facilities would also enhance public use, tourism and help educate the public about the ecosystem and the restoration process. If this project were joined to the Indian Trails and Greenway Trail systems it could become the glowing terminus of a countywide nature and educational tool that would enhance tourism, public access to natural areas and educate them on restoration activities throughout the area. To my way of thinking this suggestion attempts to meet both the ecological needs of your mandate while at the same time doing something that is much needed for this community.

As a member of the Ashtabula Lighthouse Restoration and Preservation Society, the break wall walkway is a project that is dear to my heart. Unfortunately, as I understand your mandate this project does not totally fit into the guidelines that you have to consider. However, I do feel that your consideration of my proposal listed above would greatly aid in the acquisition of the additional funding that this project would need. This walkway would greatly enhance public access to the Lake, the Ashtabula River and its resources as well as grant easy access to the Ashtabula Lighthouse for all people.

Yet another subject that was introduced was the Fox River Settlement in the Green Bay, Wisconsin area. I do realize that the area involved and the settlement are not on a par with the Ashtabula River Project but this particular case does present an excellent example of how many projects can be tailored to meet the needs of the ecosystem and at the same time expand public use and access, provide for expanded tourism which will enhance the communities involved, economically and educationally. I fail to see why the Trustees of this project cannot use this as an example of what can be done when people have the vision to merge the needs of nature and the community together for the betterment of all.

Attached to this letter are several drawings and maps that I feel represent the points that I have made above.

Map #1= this map shows a general overview of the area involved. The areas in light green indicate already existing parks within the damaged areas. Dark

green indicates areas that I feel should be developed under the auspices of the trustees and the subsequent settlement now under negotiation. The purple areas indicate river and lakeside shorelines that are already in use or privately held and thereby cannot be considered for much restoration. The dark blue areas indicate the Field's Brook Uplands area, which should also receive the attention of the trustees. The light gray area represents the proposed Break wall walkway to the Ashtabula Lighthouse.

Map #2= this map indicates the already purchased property south of 24th St. In addition to the already mentioned plans of the trustees (canoe access, walkway, fishing access and picnic area) I would add restrooms and a small interpretative center or informational kiosk about the restoration and clean-up projects as well as ecological information. This should also be attached, (through hiking and/or paved trails to the Indian Trails and Greenway Trail.

Map #3= this map indicates my proposals for the development of a Walnut Beach Conservation Area which would include the previously proposed Interpretative Nature and Learning Center, a re-vamped nature trail/walkway, revitalized dunes habitat, restrooms, parking and picnic facilities and a small boat and canoe access point for that area.

Drawing #1= gives an example of the proposed Break Wall Walkway project. This could easily be accessed through the proposed conservation area.

Drawing #2= this shows a representation of the proposed Interpretative Nature and Learning Center That I would like to see included into the Walnut Beach Conservation Area.

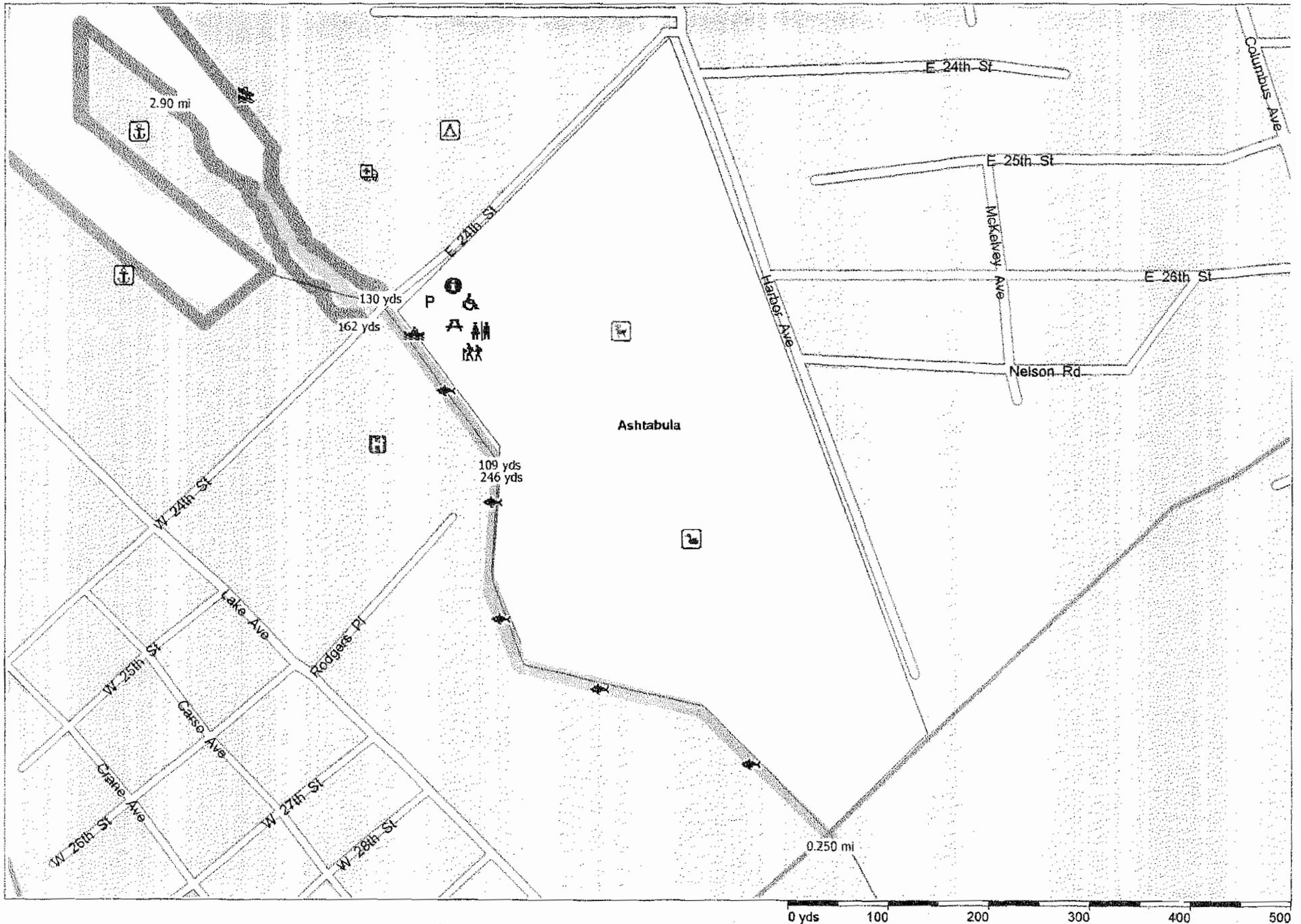
In summation I would ask that the trustees present a more balanced set of proposed projects that more effectively blend the needs of this area's ecology, economy, and educational needs. We would also ask that the public be more included in what sort of settlement is going to be agreed upon. We are not asking you to ignore the ecological mandate that you have been working from, but the trustees need to be more aware of the needs of the community that they are trying to help. The river was not the only resource damaged through this ecological disaster. Our public use of this resource and our economy and in some cases our health, was damaged also and they deserve just compensation, as does the river itself. The Trustees need to have a greater vision for this project, rather than the narrow one which they have

presented tonight. Something that considers the, "needs of the many, and not just the fish (the few)."

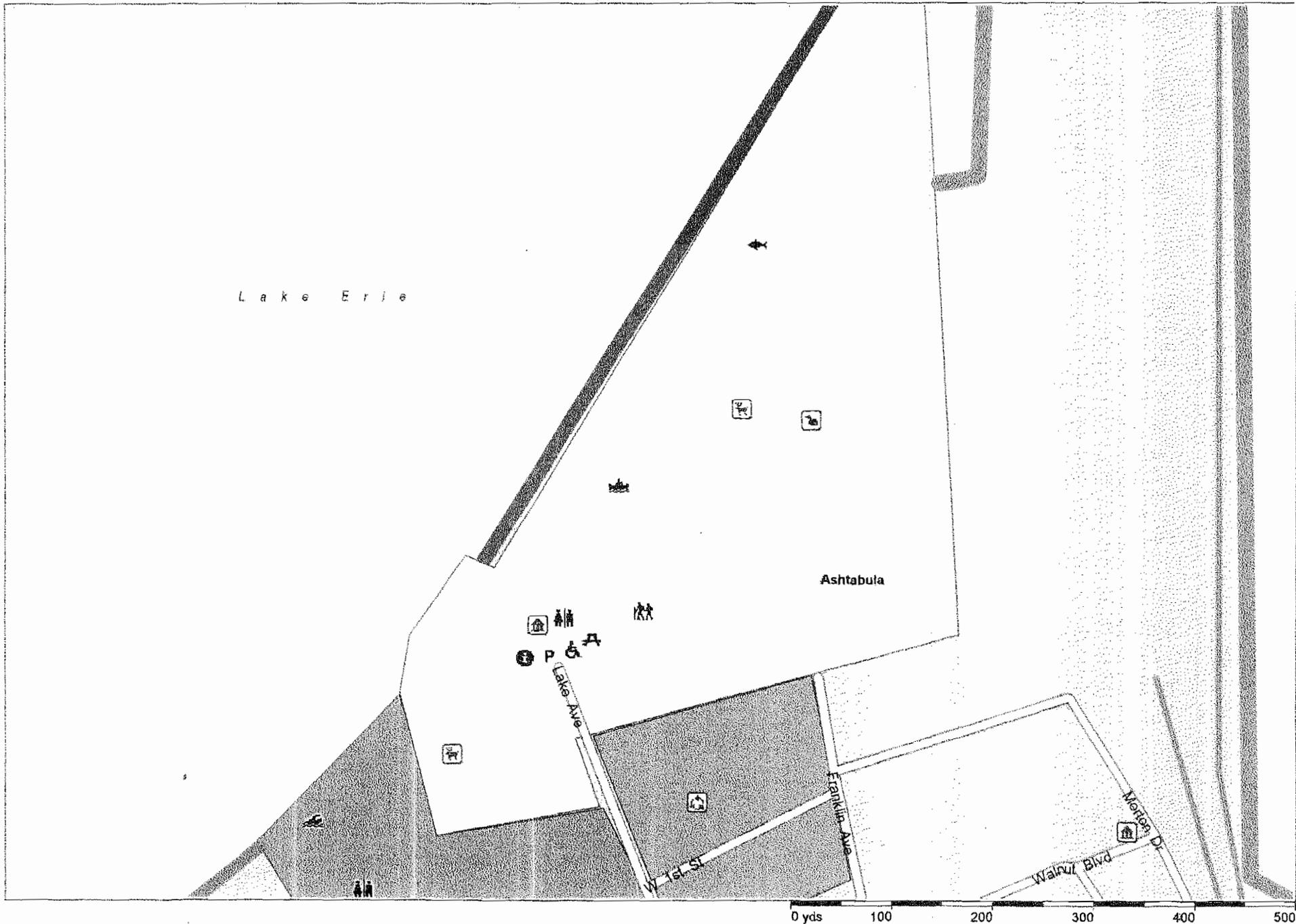
Thank You,

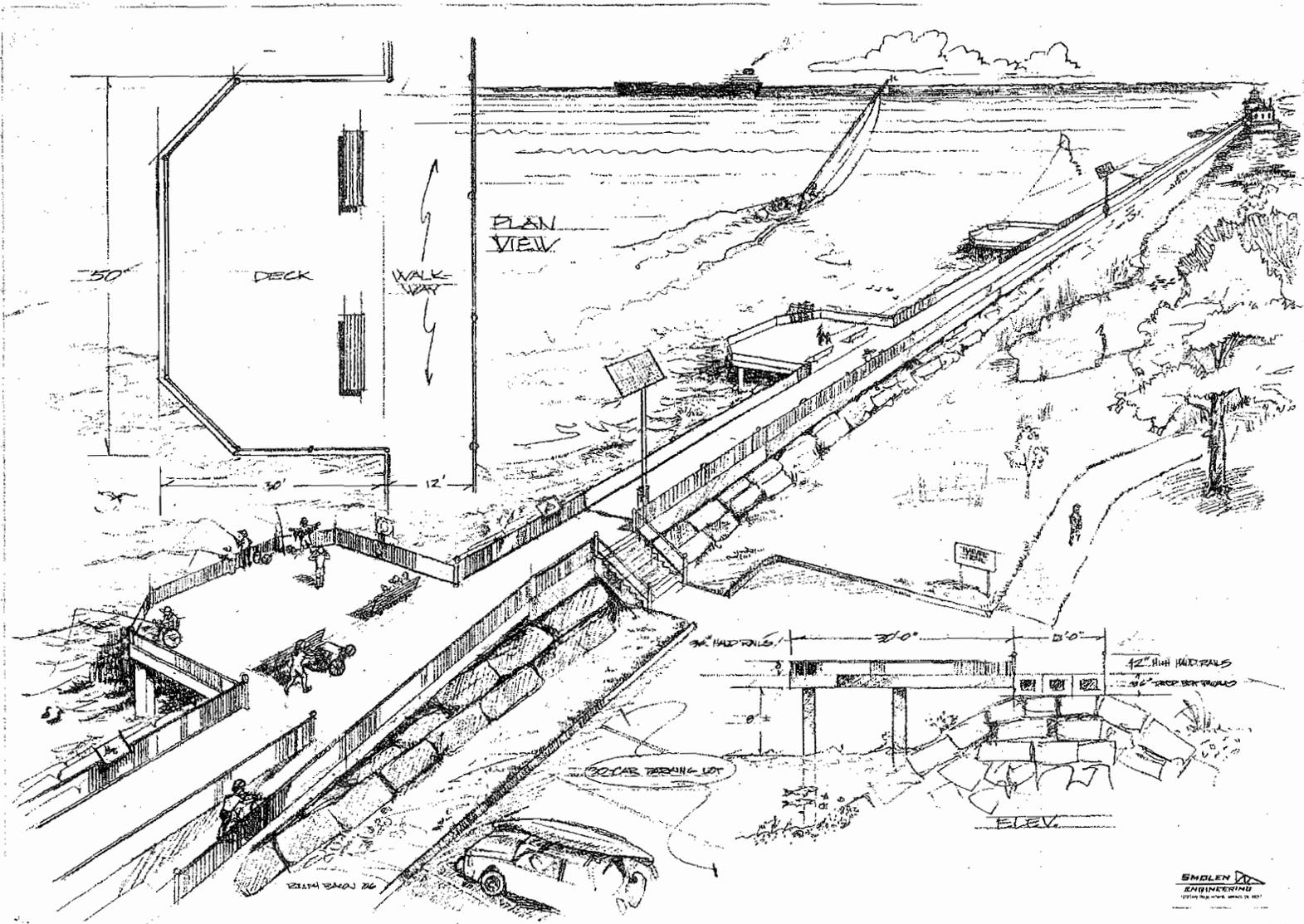
Earl B. Tucker

Ashtabula, Ohio, United States

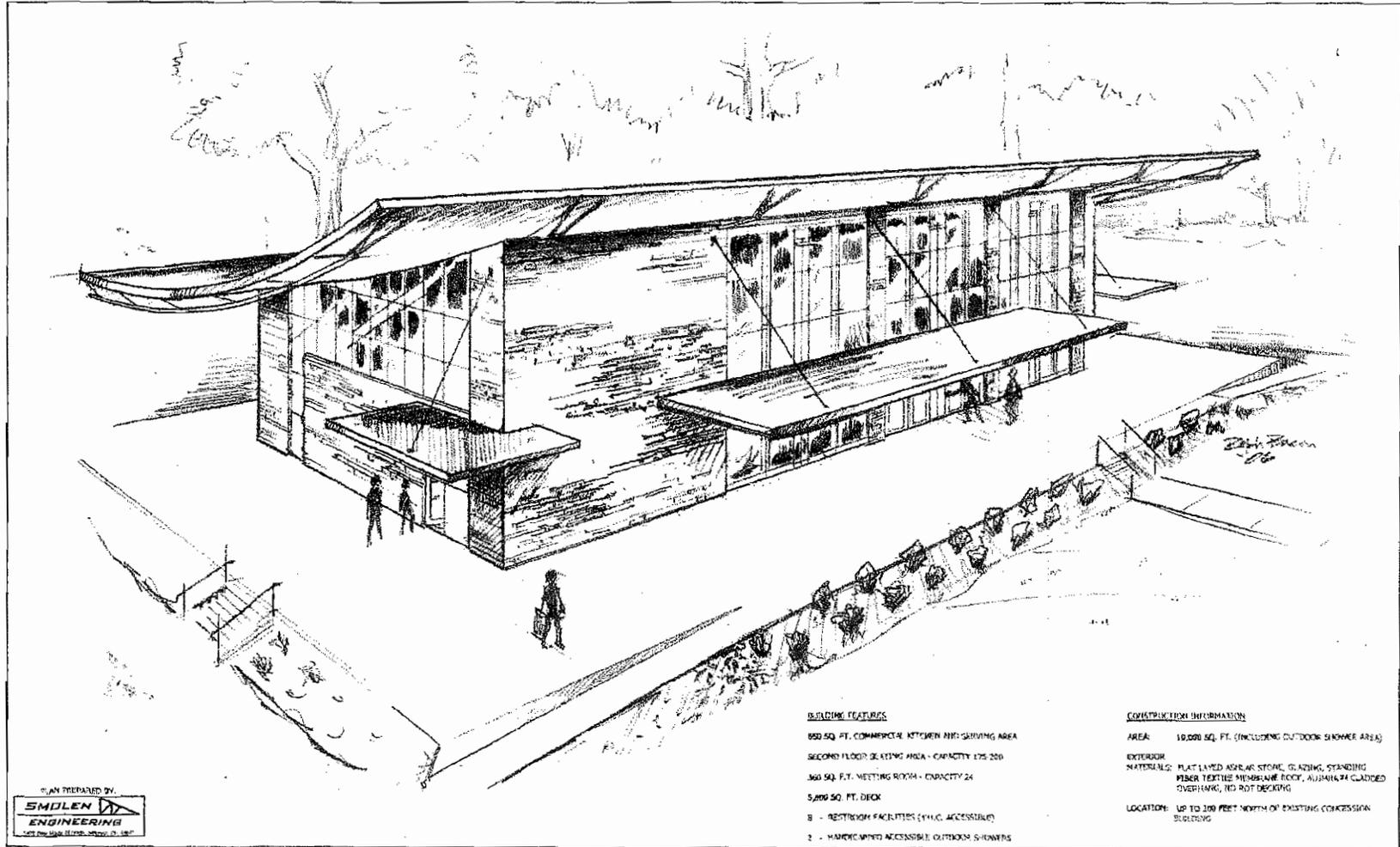


Ashtabula, Ohio, United States





PROPOSED
 WALNUT BEACH INTERPRETATIVE NATURE & LEARNING CENTER
 ASHTABULA, OHIO



PLAN PREPARED BY:
SMOLEN ENGINEERING
1425 N.W. 10th Street, Suite 101, Ft. Lauderdale, FL 33304

BUILDING FEATURES

- 850 SQ. FT. COMMERCIAL KITCHEN AND SERVING AREA
- SECOND FLOOR DECKING AREA - CAPACITY 175-200
- 360 SQ. FT. MEETING ROOM - CAPACITY 24
- 5,000 SQ. FT. DECK
- 8 - RESTROOM FACILITIES (4 M.C. ACCESSIBLE)
- 2 - HANDICAPPED ACCESSIBLE OUTDOOR SHOWERS

CONSTRUCTION INFORMATION

- AREA: 10,000 SQ. FT. (INCLUDING OUTDOOR SHOWER AREA)
- EXTERIOR MATERIALS: FLAT LAYED ASHLAR STONE, GLAZING, STANDING FIBER FERTILE MEMBRANE ROCK, ALUMINUM CLADDED OVERHANG, NO ROT DECKING
- LOCATION: UP TO 100 FEET NORTH OF EXISTING CONCESSION BUILDING

'WE NEED A BREAK'

#34



Proponents of walkway on the breakwater present case to trustees

By CARL E. FLETCHER
Lakeland Staff

Trustees of the Lakeland Harbor Trust, and people, are attempting to the formal establishment of a plan to restore the Lakeland Harbor on the Lakeland River.

The U.S. Environmental Protection Agency (EPA) and U.S. Fish and Wildlife Service awarded some plans during a community meeting at Lakeland High Tuesday evening. The plan proposed first building a channel through the harbor, and a second canal through the harbor.

The plan also includes a plan to build a walkway on the breakwater. The plan also includes a plan to build a walkway on the breakwater. The plan also includes a plan to build a walkway on the breakwater.

By CARL E. FLETCHER

DRUGS EPA SEEKS PUBLIC COMMENT

The U.S. Environmental Protection Agency (EPA) is seeking public comment on a proposed rule to regulate the use of certain drugs in the environment. The rule would require manufacturers to provide information on the potential for environmental harm from their products. The rule also would require manufacturers to develop and implement a plan to reduce the risk of environmental harm from their products. The rule is part of the agency's ongoing effort to protect the environment from the effects of drugs.

Case

From Page A1

parties (PRPs), those parties will implement projects that restore, replace, rehabilitate and/or acquire the equivalent of the natural resources injured at the site and/or the services those resources provide.

Trustees are appointed and authorized to act on the public's behalf in assessing the injuries, negotiating with the PRPs and recovering damages. They are the OEPA, the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, in cooperation with the Ohio Department of Natural Resources.

Throughout the evening, representatives of the trustees stressed that no agreement has been reached and a "pot of money" filled by the PRPs does not exist.

"We don't know what is going to transpire in negotiations at this point. We don't have a final settlement," said Kelly Kabayza of the U.S. Department of the Interior.

Trustees were straightforward in their preference for Alternative B, which emphasizes projects that restore natural resources in the river's watershed while providing enhanced ecosystems and public use. The broad range of projects could include:

■ Acquisition protection of natural areas through purchases;

■ Invasive species removal planting of native species;

■ Restoration of Ashtabula Township Parks Commission property near the East 24th Street bridge (property acquired with Fields Brook settlement funds); and

■ Fisheries enhancement projects.

The other options are to do nothing and Alternative C, which emphasizes human-use-related services. This project calls for construction of a walkway to the lighthouse, restrooms and transient boat docks. The walkway would provide access to active recreation, including fishing. Further, construction of an interpretive educational center at Walnut Beach would enhance public education through displays on Lake Erie and other topics.

That alternative does not provide a good fit with the legal language that constrains the trustees' decision. The language specifies that the settlement may require implementation of projects to "restore, replace, rehabilitate and/or acquire the equivalent of the resources injured and/or the services those resources provide."

"When it comes to projects — what we can really do — we have to evaluate it based on that language ...," said Regan "Sig" Williams with OEPA's Northeast District Office.

Williams presented a chart comparing the three plans and how they line up with the actions specified by law. The natural-resources-based restora-

tion plan lined up on all counts, while the human-use plan lined up completely on only one category.

However, proponents of the Walnut Beach plan latched onto the "lost services" language and emphasized the human impact inflicted upon city residents as a result of the polluted river and harbor. They urged the trustees to place a greater weight on that impact in devising their charts.

"We suffered a lot of serious health problems here," said Phillip Schmidt of Geneva. "We've had big losses."

The proponents suggest that building a walkway would be a way to compensate for not only past losses but also salvage an economy that has been suffering ever since industries made their exit.

"The jobs have left, and we have nothing left to do," said Joe Santiana, president of the Ashtabula Lighthouse Restoration and Preservation Society. "The only thing we can rely on is to boost our tourism."

Robert Frisbie, president of the Ashtabula Marine Museum, suggested that an educational center at Walnut Beach could help current and future generations learn about the history of habitat destruction on the river and, thereby, create a groundwork for protection through awareness.

"I still believe the human portion of it is being ignored," Frisbie said.

Ashtabula City Manager Tony Cantagallo pointed out that a restoration plan

in Green Bay, Wis., included construction of a five-mile trail and multi-purpose building. Kabayza countered by pointing out that the settlement was much larger than Ashtabula's will be and the human-use components were a small percentage of the overall plan. Alternative C would require much of the money be used for human-use projects unless the funding were used to leverage grants.

Trustees note that habitat improvements under Alternative B would help boost tourism by providing fish for anglers and increased public-access points upstream. These natural areas can be used for educational programs, as well. The West 24th Street property would receive a boardwalk, canoe launch and gravel parking area under the plan.

Trustees will continue to receive comments from the public through Wednesday. Those comments will be included in a Final Restoration Plan, which should be released after June 30. Implementation of the plan could begin by late summer or early fall of this year.

Kevin Grippi, a proponent of Alternative C, thanked the trustees for their hard work but also urged them to develop a plan that would strike a better balance.

"Go back and sharpen your pencils, find more human-use projects," he said. "Right now, we need a break."

April 2008

Regan Williams, Ohio EPA Northeast District Office

The Ashtabula Township Park Commission (ATPC) is stewards of Lakeshore Park and Indian Trails in Ashtabula, Ohio. The first lands purchased by the ATPC were along the Ashtabula River in 1908 and more lands were purchased and donated through the years. The NRD Trustees are familiar with the ATPC since working together to acquire the CDM property with funds from the Fields Brook NRD settlement fund.

The ATPC offers and welcomes the opportunity to assist in the Natural Resource Restoration Plan for the Ashtabula River. Indian Trails Park with 405 acres of public land, offers many ways in which to meet the goals set forth in the Restoration Plan along with NRDA regulations.

As Indian Trails is the largest public holding in the Ashtabula River Watershed it seems important to use some of the funds to enhance, restore and replace natural resources in the park that have been damaged. The CDM property lies within the city limits and ward 2. It is easily accessible and offers many unique opportunities described in the restoration plan (3.21.3). With its location, it makes a great place to fish the Ashtabula River. Many fish enhancement projects could be accomplished at the CDM property and other areas of Indian Trails. Fishing in Indian Trails has been and is increasing in popularity.

There may be parcels of land adjacent or near Indian Trails that could be acquired and added to the park holdings that meet the goals defined in 3.21.1. By adding these lands to the park would guarantee that they are preserved, protected and in public hands for perpetuity. The ATPC could possibly hold titles to other parcels not necessarily adjacent to Indian Trails.

Indian Trails offers many park uses including active and passive uses. Passive uses include nature photography, bird watching, botany and environmental education. The park, if funds were available could enhance this valuable resource for local residents and visitors to enjoy. Some of the goals described in the restoration plan are also listed in the ATPC's master plan.

As Indian Trails is a public park, if monies were spent in the park it would assure that the success of the projects could be monitored and evaluated with ease. Projects within Indian Trails would definitely improve outdoor recreational opportunities and enhance public awareness all year long for many who live in and visit Ashtabula. Some of the projects that are of interest would not and could not be implemented without outside funding sources such as funds from the NRD settlement.

As stated, the Park Commission is available and ready to work with the NRD Trustees to implement any projects that may be funded. For further information about the ATPC or to view the Indian Trails master plan, please visit the park website at www.lakeshoreparkashtabula.org or contact Park Commission chairman, Mike Wayman at 440-969-3188.

#36

Negan Williams
Ohio EPA Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

April 23, 2008

Dear Sir:

I would like to first thank you for coming to Ashland High School and making a presentation and answering questions Tuesday night. I am writing this letter in appeal to you and the other Trustees to consider a fourth alternative. Alternative B was heavily weighted (approx. 80%) toward restoration and repair of the ecosystem defined as the area surrounding the approximate 1 mile section of the river up to Pecks Brook with a small inclusion for improvements for public use. Alternative C is a polar opposite of Alternative B where it is heavily weighted toward Human Use with a small inclusion for restoration and repair to the defined ecosystem. I would like to propose a fourth alternative where 50% would be used to restore and repair the defined ecosystem and 50% would be used for Human Use. I believe that the number one priority is to repair the damage to the ecosystem. I also believe that humans are part of the defined ecosystem that needs to be restored and repaired. I would like to see the money used to complete as much as the proposals in Alternative B while also include the walkway to the lighthouse along with any other items proposed in Alternative C that available monies would include. A compromise might be to put the Interpretive Educational Center in a section of the lighthouse. This would give more people a chance to visit the lighthouse while learning. At the same time it may also make the lighthouse accessible to school children. By not constructing a building at Walnut beach for the center, this could free up money to do more ecosystem repairs. There would be more opportunities for compromise in both Alternatives that would develop the fourth alternative I wish to see considered. An alternative that is evenly weighted for the entire ecosystem (including humans) may also provide some checks and balances. The citizens of Ashland County will have some deliverables they can quantify and interact with that will also help them to become aware of the ecosystem and to help them realize that humans are a part of this system and to be more conscious of the part they play in it and maybe they should pay more attention to what is going on by reporting any potential damage before it gets out of hand. Thanks for taking the time to review my comments. Good luck with this project.

Sincerely,

Paul E. Wright, Jr.

GENEVA, OHIO • 44041
PHONE: 978-466-7218



APPENDIX C2
PUBLIC COMMENTS ON THE INITIAL
NATURAL RESOURCE RESTORATION PLAN & ENVIRONMENTAL
ASSESSMENT FOR THE ASHTABULA RIVER AND HARBOR SITE
Transcript of the April 22, 2008 Public Meeting

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OHIO ENVIRONMENTAL PROTECTION AGENCY
PUBLIC HEARING

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In Re: :
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Ashtabula River :
Restoration of :
Natural Resources :
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Transcript of proceedings before the
Ohio Environmental Protection Agency, taken at
Lakeside High School, 6600 Sanborn Road, Ashtabula
Ohio, on Tuesday, April 22, 2008, commencing at
7:00 p.m.

APPEARANCES:
Caroline Markworth, Ohio EPA, Hearing Officer
Regan "Sig" Williams, Ohio EPA
Sheila Abraham, Ohio EPA
Mark Navarre, Ohio EPA
Dave DeVault, U.S. Fish and Wildlife Service
Kelly Bakayza, U.S. Department of Interior

PROCEEDINGS

1
2 MS. MARKWORTH: Did you have a
3 question, sir?

4 MR. GRIPPI: Yes. Kevin Grippi,
5 , Ashtabula, Ohio. I have
6 two questions. Maybe I'll have more later on,
7 but I'll start with two questions.

8 First question is, City of Ashtabula
9 took a tremendous beating through the
10 industrial revolution as far as accepting the
11 effluent from the plants and the damages that
12 you talked about. It seems to me that the
13 list of projects are really light as far as
14 being located in the city of Ashtabula. Why
15 are more projects not in the city of Ashtabula
16 proper? That's my first question.

17 The second question is, it seems like
18 the classifications between Alternative A and
19 Alternative B are really locked in, very
20 segregated. Is there any way that you could
21 consider sort of commingling some of the
22 projects and moving maybe something from
23 Alternative A and Alternative B? Just seems
24 like everything's really locked in. Those are
25 my two questions for now.

1 MR. NAVARRE: I'll offer an initial
2 response and others can add to it. On your
3 first question, Mr. Grippi, about the
4 distinction between the city and the township,
5 right, and the location of projects? I mean,
6 some of the properties that we've considered
7 for the restoration opportunities are within
8 the city limits. Others are just south of the
9 city limits in the township, but all are in
10 the Ashtabula River corridor. And our focus
11 is not so much on a political geographic
12 distinction so much as an ecological one.
13 We're trying to develop projects that will
14 benefit the Ashtabula River and the Ashtabula
15 River corridor and the river watershed. And
16 so it's primarily the damage from Fields Brook
17 into the Ashtabula River, that concentration
18 is where most of the damage occurred. And
19 we're focused on projects that are in that
20 vicinity that will help restore that
21 watershed, regardless of whether it's in the
22 city or the township.

23 MS. ABRAHAM: Just to add to that.
24 Mark talked about geopolitical divisions, but
25 what you have to remember, I think what I'd

1 like you to remember, that anything that we do
2 by way of restoration of the Ashtabula
3 watershed will ultimately benefit the city and
4 township and everybody else. You will have
5 ecotourism. You will have more dollars
6 flowing in from economic benefits. So I'd
7 like us to work together to bring the best
8 value to the people of Ashtabula as a whole
9 and not look at just township and city, but at
10 the watershed as a whole.

11 Kevin had a second question.

12 MR. NAVARRE: The only thing I'll
13 add to the first point is that the other piece
14 of this that we try to consider is when a
15 property is acquired and preserved in its
16 natural state we need a steward to manage
17 that. The Ohio EPA doesn't perform that
18 role. The Department of Natural Resources
19 does not perform that role. And U.S. Fish and
20 Wildlife Service doesn't perform that role.
21 It has to be a local entity.

22 For example, one of the organizations
23 that we've worked with on the Brockway
24 property with Fields Brook natural resource
25 damage monies is the Ashtabula Township Park

1 Commission. When we acquired that property we
2 transferred it subject to an environmental
3 covenant to preserve it perpetuity, and now
4 the Township Parks Commission, represented
5 tonight by Mike Wayman, will manage that
6 property in perpetuity.

7 So one of the considerations we have to
8 factor into this is an end-use land steward
9 for properties that are acquired to benefit
10 the watershed.

11 MR. GRIPPI: May I ask, what
12 percentage of Alternative B projects are in
13 the city of Ashtabula?

14 MR. NAVARRE: I don't know.

15 MR. GRIPPI: Just approximately.

16 MS. ABRAHAM: I don't think we can
17 answer that because we don't have a complete
18 understanding, a full list of all the
19 projects; we're still working through those.
20 And as those projects become known and become
21 available, we will put out an addenda. You
22 and everybody will know what we're doing. It
23 will be done in the public arena. But at this
24 point we really can't answer your question
25 honestly.

1 MR. WILLIAMS: But in the case of
2 the Brockway property, even though that one is
3 in --

4 MR. GRIPPI: It's not in the
5 city.

6 MR. WILLIAMS: It's our
7 understanding it is within the city limits.
8 It's now held -- the property is held by the
9 Ashtabula Township Park Commission.

10 MR. GRIPPI: It's not in the city
11 of Ashtabula.

12 MR. WILLIAMS: That's what our
13 understanding is; it is within the city
14 limits.

15 MR. DEVAULT: I think, Kevin, the
16 bottom line, to answer your question, is --

17 MR. WILLIAMS: There are others
18 too.

19 MR. DEVAULT: There just isn't a
20 lot of space along the Ashtabula River within
21 the city limits. I mean, that's primarily
22 marinas and docks.

23 MR. WILLIAMS: But there is more
24 than just the Brockway property.

25 MR. SMITH: I would be able to

1 answer that also. The Brockway property, if
2 you go down there any given day, people walk
3 from the city and all around that area down to
4 that property and they go fishing all the
5 time. Once that property is, if it gets
6 rehabilitated even more to provide fishing
7 access for people in the city limits right
8 downtown, and in that whole area both on the
9 city and township side who walk to those areas
10 will be able to walk down there now and have
11 fishing opportunities even more.

12 MR. GRIPPI: Matt makes my point
13 exactly. We need those kinds of places within
14 the city limits.

15 MR. SMITH: But it's right there;
16 right next to the hospital.

17 MR. NAVARRE: I'll try with that
18 one too. I think one of the things that we
19 have right now is there is somewhat of a plan
20 between the two. By that I mean there are
21 some human-use benefits associated with
22 Alternative B projects. For example, Sig
23 mentioned enhancing the Brockway property that
24 was acquired with Fields Brook monies in terms
25 of adding things like a boat launch and access

1 for recreational opportunities, as well as
2 enhancing it's ecological property as a
3 wetland. So it's not just an ecological
4 benefit associated with improving the Brockway
5 property project. It's also a human-use
6 benefit associated with that too.

7 The difficulty we found with these six
8 criteria in the chart in evaluating the
9 Alternative C projects is that there is, as
10 Sig explained, there's less ecological benefit
11 associated with that; it's almost entirely
12 human use. And because of the statutory
13 requirement, the federal superfund statute,
14 the Natural Resource Damage Provision that
15 requires monies to be used by the trustees to
16 restore, replace or acquire the equivalent of
17 the natural resources damaged, the criteria
18 are then developed based on that statutory
19 mandate that we have to follow. So we are
20 sort of limited that way.

21 MR. GRIPPI: May I ask a follow-up
22 question?

23 MR. NAVARRE: Yes.

24 MR. GRIPPI: Getting back to my
25 city of Ashtabula limits. Can you tell the

1 group, what percentage of restoration activity
2 is going on within the city of Ashtabula as
3 opposed to outside of the corporate limits?
4 I'm curious.

5 MR. NAVARRE: When you say
6 restoration activities, do you mean sediment
7 dredged?

8 MR. GRIPPI: Clean-up activities.

9 MR. WILLIAMS: I believe all of it.
10 All of the Legacy Act project from basically
11 Jack's Marina down to the 5th Street bridge
12 and the water project from the 5th Street
13 bridge, 1,900 feet downstream. I'm quite sure
14 all of that is within the city.

15 MS. MARKWORTH: Ma'am, did you want
16 to ask your question?

17 MS. SCHMIDT: Cathie Schmidt,
18 Geneva, Ohio. This idea of restoration, if
19 harm has been done, actually your clean-up and
20 dredging and all is considered part of
21 restoration or cut that into sections? Is
22 that separate from restoration?

23 And also, just to point out that in the
24 no-action, if you've cleaned up the area
25 nature tends to take some action, because your

1 restoration -- have you done some harm by
2 clean-up? So are you restoring for that, not
3 just the harm done from factories?

4 MR. WILLIAMS: I can at least take a
5 shot at part of that. Yeah, there actually is
6 some harm done by the clean-up itself. It's
7 unavoidable. We're going to go in there with
8 a dredge and cut out what was once one or two
9 feet deep at the root of aquatic plants
10 growing and providing some kind of nursery
11 habitat for fish and aquatic invertebrates.
12 You go in there and dig that down to a 16- or
13 18- or 20-foot channel you've lost resources;
14 you've injured a resource. So that is
15 actually taken into account in the Legacy Act
16 project itself.

17 There's a component of that project
18 which has not been done yet, which is in the
19 planning stage, we hope to have it implemented
20 before too long, to actually mitigate for
21 injuries caused by the remedy itself, the
22 clean-up itself. That would involve probably
23 some form of creation of a new shallow fish
24 habitat along the bank of the river within the
25 remediation areas. Details of that haven't

1 been worked out yet, and how much money we'll
2 have available hasn't been worked out yet.
3 But it will be along the same lines as the
4 kind of restoration projects the trustees are
5 looking at for the settlement of the NRD
6 claim, but they will be done as part of the
7 Legacy Act as mitigation. It's really the
8 same thing, mitigation and restoration, just
9 under a different program. I don't know if
10 I've answered all of your questions or not.

11 MS. ABRAHAM: No. The one part of
12 the question was what's the distinction
13 between clean-up and restoration.

14 MR. NAVARRE: Mrs. Schmidt, there
15 is a definite distinction between those two.
16 And all of the work that's been done to date,
17 with the exception of the Fields Brook natural
18 resource damage settlement and the Brockway
19 property, but all of the clean-up work, the
20 dredging work that's been done to date has
21 been remediation of the Ashtabula River or the
22 damage caused. And so what we're engaged in
23 now is the restoration component, the Natural
24 Resource Damage Restoration component of that
25 that follows. And it's necessary for that to

1 come after the fact. It has to be a two-stage
2 process, otherwise we can't factor in all the
3 damages, as a result of both the injury caused
4 and the remediation work done, as Sig
5 mentioned, the dredging of the harbor and the
6 disposal of the contaminated soil.

7 MR. WILLIAMS: The remediation
8 really is to address the contamination in the
9 river, the contamination which has caused the
10 injuries. The NRD restoration is over and
11 above clean-up and is intended to actually
12 restore those injured resources to the extent
13 possible, and compensate the public for the
14 lost services related to those injuries.

15 MS. MARKWORTH: Question back there.

16 MS. CONJER: Yeah. My name is
17 Jacqueline Conjer from Ashtabula. On your
18 screen you showed about improving upland
19 habitat and restoring it. Is that strictly
20 within the Ashtabula River limitations or does
21 that also include Fields Brook?

22 MR. DEVAULT: At this point we're
23 looking at projects along the Ashtabula River
24 proper.

25 MR. WILLIAMS: We're not

1 contemplating, at this time at least, any
2 restoration or acquisitions outside of the
3 Ashtabula watershed. The regulations don't
4 require that, but it's always a preference to
5 try to be as close to the actual injury as
6 possible. And everything that we're
7 considering at this time is within the actual
8 river watershed.

9 MS. ABRAHAM: Is there a reason why
10 you asked the question? Do you know of any
11 particular property along Fields Brook that
12 you think --

13 MS. CONJER: No, I was just
14 curious. You acknowledge that it drains into
15 the Ashtabula River, so to me that's kind of a
16 tributary of the Ashtabula River, so it would
17 seem like, wouldn't you use the term upland
18 habitat? Maybe that's part of it.

19 MR. DEVAULT: One of our concerns
20 all along supplied to the Fields Brook
21 settlement also is actually trying to do
22 restoration work in the area of Fields Brook
23 that's been remediated, could cause more
24 contaminate release problems. And it's just
25 an area where we prefer to avoid if we can.

1 MR. WILLIAMS: We thought there were
2 limited really opportunities to do restoration
3 on Fields Brook itself, that's why the
4 Brockway property is done as part of the
5 Fields Brook NRD restoration. It was on the
6 river rather than on the Fields Brook.

7 MS. CONJER: So you're saying it's
8 basically already been done with Fields
9 Brook?

10 MS. ABRAHAM: No, we bought --

11 MR. WILLIAMS: We've gone outside of
12 the immediate Fields Brook to the Ashtabula
13 River. It was within the assessment area
14 though.

15 MS. ABRAHAM: We bought the
16 property with part of the Fields Brook Natural
17 Resource Damage Fund, but the work that
18 remains to be done we hope will get done using
19 some of the Ashtabula River settlement money,
20 we hope.

21 MS. MARKWORTH: We're going to go
22 right here.

23 MR. JOSEPH: Just another
24 clarifying question regarding the scope.

25 MS. MARKWORTH: Sir, could you state

1 your name and speak up a little bit?

2 MR. JOSEPH: Sure, Brett Joseph.

3 My clarifying question has to do with how
4 you're defining the relevant ecosystem, which
5 you referred to starting the ecosystem
6 functioning. Ecosystems can be defined
7 according to various levels of scale,
8 everything from the whole world to some
9 microsystem within a garden patch or something
10 like that. I'm just curious as to how -- is
11 it the watershed? Is it the tributaries or
12 just the main stem? What is the relevant
13 ecosystem for purposes of preservation
14 planning?

15 MR. DEVAULT: Our preference is,
16 and it always is, to address the area where
17 the injuries have actually occurred. And so
18 in this case, I mean, we strongly prefer
19 projects within the Ashtabula watershed. And
20 we strongly prefer projects more toward the
21 northern end of that. But that's not cast in
22 stone.

23 MR. JOSEPH: I guess the term
24 ecosystem, how is that being defined?

25 MS. ABRAHAM: Matthew maybe will be

1 able to help with some of this. But we were
2 looking at it as a watershed level. We're not
3 looking at the (indiscernible) just
4 watershed. Matthew, would you like to add to
5 that?

6 MR. SMITH: Matthew Smith, Ohio
7 Department of Natural Resources, Scenic Rivers
8 Program. I think the trustees have always
9 looked at mostly starting at the base of where
10 the problem was and work out through the
11 watershed as projects became available. No
12 consideration has been looked at outside of
13 the watershed itself, so that is the
14 ecosystems that has been looked at.

15 MS. MARKWORTH: In the blue shirt and
16 then the white.

17 MR. CONTAGALLO: My name is Tony
18 Cantagallo. I am the City Manager for the
19 city of Ashtabula. I have a question. When
20 you conducted your settlement agreement in Fox
21 River, Wisconsin, I notice that you built a
22 2,156 square foot multipurpose building/marsh
23 overlook platform, five miles of trails, and
24 460-acre village park house and waterfowl
25 preserve on the shore of Green Bay in the

1 village of Howard. The multipurpose building
2 will have an activity room for nature-related
3 education exhibits and programs, small
4 greenhouse and other areas needed for
5 preserved management and upkeep. Is that
6 Alternative C in Wisconsin or did it rise
7 above of C?

8 MR. DEVAULT: Much like what we're
9 proposing here, it was on the Green Bay Fox
10 River settlement. And I should point out that
11 was an interim settlement. That case hasn't
12 settled.

13 MR. CANTAGALLO: You took down the
14 greenhouse and everything afterwards?

15 MR. DEVAULT: Let me finish. There
16 was a fairly small component that was directed
17 toward human use, much like building
18 boardwalks and canoe launches and stuff here.
19 And so that's exactly what you're talking
20 about there.

21 MR. CANTAGALLO: My follow-up
22 question --

23 MR. DEVAULT: I should point out
24 that was a \$60,000,000 partial settlement that
25 was being worked with there, so we've got some

1 difference in scale.

2 MR. SMITH: Also, if I may
3 comment to that too. I think part of that Fox
4 River plan, they deemed that no more than 10%
5 of the total -- in that one plan, that no more
6 than 10% of all the settlement monies could be
7 applied towards infrastructure-type
8 activities. So even though all the Fox River
9 has some of these projects in there, it
10 doesn't total more than 10% of the total
11 monies used.

12 MR. CANTAGALLO: My second question
13 is, how much money has the NRD spent catching
14 fish in the river and eviscerating them to
15 determine how much toxicity they have?

16 MS. BAKAYZA: You know what,
17 Mr. Cantagallo, I can tell you I don't know
18 the exact amount of money, but I can tell you
19 that we can respond to that. That's
20 considered assessment costs, which is a
21 separate category under any potential
22 settlement, aside from the restoration. So
23 the trustees would be recovering assessment
24 costs and then there would be money that's
25 recovered for restoration. And we do have

1 that information, but I don't have it off the
2 top of my head.

3 MS. MARKWORTH: You might want to
4 fill out a blue card and when we take comments
5 you --

6 MR. CANTAGALLO: Would you say the
7 number is over a million dollars?

8 MS. BAKAYZA: I really -- I
9 honestly can tell I don't know, because you're
10 asking a very specific question.

11 MR. CANTAGALLO: If you could get me
12 that number I'd appreciate it.

13 MS. BAKAYZA: Right. Relative to a
14 very specific assessment activity, because
15 there were a lot of things done to assess the
16 river and the natural resources.

17 MS. MARKWORTH: Again, if you could
18 fill out a blue card when we're taking
19 comments, that will be responded to in the
20 responsiveness summary in writing.

21 MS. BAKAYZA: We can specifically
22 respond to it.

23 MR. DEVAULT: I think it is
24 important to be clear that not only are we
25 recovering damages for the injuries to the

1 natural resources, we are also recovering
2 those assessment costs from the responsible
3 parties.

4 MS. ABRAHAM: They are two separate
5 parts in a way. What we recover for projects
6 will be spent on the projects; what we recover
7 for assessment costs will be going to fund the
8 way we pull for our assessment costs for the
9 future.

10 MR. CANTAGALLO: Then just one other
11 question. How would the toxicity in the fish
12 today give you any information regarding the
13 toxicity that was in the fish yesterday? In
14 other words, when this toxic substance was put
15 in the river over the last 50 years, what
16 would you learn from the fish today?

17 MR. DEVAULT: You would learn the
18 condition of the fish today. I guess I don't
19 really understand your question.

20 MS. ABRAHAM: Mr. Cantagallo, one
21 of the things as trustees --

22 MR. CANTAGALLO: That was kind of an
23 underwhelming answer.

24 MS. ABRAHAM: One of the things as
25 trustees we're required to do is start this

1 process. The first thing we have to do is we
2 have to prove that an injury occurred. And to
3 prove that an injury occurred there are very
4 specific regulations and we follow those
5 regulations. And one of those things is you
6 have to demonstrate in fish tissue that there
7 is X, Y and Z, chemicals, different kinds of
8 chemicals. You have to demonstrate that these
9 specific things happened to the fish. And
10 until we do all that we can't document that
11 there was an actual injury. Once we document
12 there's an injury, then we move through the
13 process and say, okay, now what do we do to
14 make that injury whole?

15 So to ask, that's the initial first
16 step in the process. And I understand what
17 you're saying, and clearly there could have
18 been injury, far greater injury, many, many
19 years ago when things were spewing out of
20 Fields Brook and other places and larger
21 quantities. Unfortunately I wasn't alive
22 then. I couldn't go back -- we can't go back
23 and recreate it. We are doing the best to
24 collect the data that we are mandated to
25 collect to pull all together what we need to

1 restore the resources.

2 MR. CANTAGALLO: The gentleman from
3 Ohio EPA said that the river is what's being
4 considered for the rehabilitation that you're
5 looking at, because that's where the greatest
6 amount of all the toxicity was. So does that
7 mean that you're not going to spend any money
8 at all doing anything by way of restoration of
9 Walnut Beach?

10 MS. ABRAHAM: No, it doesn't.
11 Dave, Sig, would you like to answer that
12 question?

13 MR. DEVAULT: No, it absolutely
14 doesn't.

15 MS. ABRAHAM: Sig, would you like
16 to answer that, or Dave?

17 MR. CANTAGALLO: If there was no
18 toxicity at Walnut Beach, then the obvious
19 conclusion would be there would be no need for
20 you to spend any funds at Walnut Beach. Would
21 that be correct or is my own logic eluding
22 me?

23 MR. WILLIAMS: No, it would not be
24 necessarily correct. I mean, we pointed out
25 throughout the presentation that we looked at

1 near-shore areas at the mouth of the river in
2 both directions within the watershed, up the
3 river. We have a preference for doing
4 restoration work in areas where the injuries
5 occur, but there are not always that many
6 opportunities available right in the area
7 where the principal injuries occur.

8 So we looked at expanding out a little
9 bit like near near-shore areas like Walnut
10 Beach where there were, we felt, a rare type
11 of habitat that only exists in a couple places
12 in Ohio, the Doonspell (phonetic) habitat, and
13 we developed a restoration plan in cooperation
14 with the city park board and others and tried
15 to implement it at Walnut Beach using Fields
16 Brook restoration funds.

17 MR. CANTAGALLO: So you could still be
18 using weed killer at Walnut Beach to get rid
19 of the phragmites, is that correct?

20 MR. WILLIAMS: Well, if we were
21 going to do invasive species control, that's
22 probably the method that would be, because I
23 don't believe there's ever been another method
24 found that works.

25 MS. MARKWORTH: We're going to go

1 ahead with this gentleman's question.

2 MR. SANTIANA: My name is Joe
3 Santiana. I'm President of the Ashtabula
4 Lighthouse Preservation and Restoration
5 Society. I have two questions. Is the EPA
6 genuinely going to listen to the people in
7 this room as far as what we feel would be the
8 most beneficial from that fund for the city of
9 Ashtabula and our lakefront?

10 The second question is, is all of the
11 money in that fund, all of it, going to go
12 into the Ashtabula area or will some of that
13 fund be taken out of this area?

14 MR. DEVAULT: Let's start with your
15 last question first. First of all, there is
16 no fund, quote, unquote, fund. The
17 negotiations we are having with the
18 responsible parties are based on the company's
19 actually implementing restoration projects in
20 the area. So there is no bank account
21 someplace that we can draw. I'm trying to
22 remember the first half.

23 MR. NAVARRE: First question is
24 will we listen?

25 MR. DEVAULT: Yes. Will we listen?

1 The answer is obviously yes or we wouldn't be
2 here. But when it comes to projects and what
3 we can really do, we have to evaluate it based
4 on that language in the federal regulation
5 that says that we need to restore, replace or
6 acquire the equivalent of the injured
7 resources or services they provided. That's
8 why you saw us evaluating like the lighthouse
9 walkway based on it providing fishing access.
10 That is one of the services that -- I mean,
11 the fishery was severely injured in Ashtabula
12 for 30, 40 years, so that is a service that
13 could provide. But when you start looking at
14 it from a cost-benefit approach, you know,
15 we'll listen. I don't know how far we can
16 go.

17 AUDIENCE MEMBER: I didn't catch the
18 lady's name between Dave and Sheila.

19 MS. BAKAYZA: Kelly Bakayza.

20 AUDIENCE MEMBER: And from where?

21 MS. BAKAYZA: The United States
22 Department of the Interior.

23 AUDIENCE MEMBER: Is the Department of
24 Justice still involved?

25 MS. BAKAYZA: Oh, yes.

1 AUDIENCE MEMBER: My question is,
2 20-some years ago, I guess, now when we
3 started this project, and now it looks like
4 there is a pot of gold, but there isn't, we
5 know that, there were about 20 impaired uses
6 on the river. Are those directly related to
7 these projects when we wrote stage one of the
8 RAP, and I think it it was in '88?

9 MS. BAKAYZA: Stage one was
10 published in 1991.

11 AUDIENCE MEMBER: And the impaired
12 human uses then and the ecosystem, the
13 impairments of the ecosystem, those are what
14 we built to clean up upon. Is that what
15 you're going to focus, is that really the
16 focus?

17 MR. DEVAULT: I think between the
18 Legacy Act project and the restoration, and I
19 don't have the impaired uses at Ashtabula
20 memorized, I mean, it's going to be things
21 like contaminated sediments and fish
22 consumption advisories.

23 AUDIENCE MEMBER: We couldn't fish, we
24 couldn't swim, we couldn't do this and we
25 couldn't do that.

1 MR. DEVAULT: I think between the
2 two we're going to get a lot of that. I mean,
3 contaminated sediments are not only an
4 impaired use themselves, they also caused a
5 lot of the other impaired uses. So that's
6 been dealt with by the Legacy Act Project.
7 We're going to go in and try to increase the
8 biological productivity of the area by
9 improving habitat, which is going to improve
10 the fishery, reduce sedimentation. And so I
11 think a lot of them, it's not 100%.

12 AUDIENCE MEMBER: So in essence, from
13 Fields Brook to really where the clean-up ends
14 with the Legacy Act, is about a mile long.
15 Everybody thinks that you should be working
16 outside of that mile stretch. And we always
17 thought the focus should be cleaning up and
18 restoring within the damaged area. Is the
19 focus still there, even though there's the
20 Keester Marina, the yacht club, the railroad,
21 all the property really is owned there by
22 industry or private homes?

23 MR. DEVAULT: That's problematic,
24 and that's one of the reasons we're looking at
25 it from a watershed perspective, because, you

1 know, we're not going to build a wetland in
2 Keester's Marina. So we're limited by space
3 in that specific geographic area.

4 AUDIENCE MEMBER: But you start there
5 and then you go outside.

6 MR. DEVAULT: To the extent we can,
7 we are looking at some projects in the actual
8 area that was part of the Legacy Act.

9 MR. WILLIAMS: The Legacy Act
10 certainly is -- the long-range goal of the
11 Legacy Act is delisting of AOC, and that's
12 based on those lost or impaired beneficial
13 uses, reestablishing those beneficial uses.

14 AUDIENCE MEMBER: That's why I can't
15 get to in my mind between the NRDA monies and
16 then the actual clean-up monies, whether or
17 not your focus was still with those
18 impairments that we used as leverage to get
19 this thing started?

20 MR. DEVAULT: Our focus is the
21 injuries. And I mean, the injuries that
22 occurred were fish injuries, severely degraded
23 fishery, degradation of habitat, degradation
24 of benthos.

25 MS. FARBER: I'm Natalie Farber

1 with Ohio EPA. And I have worked with this
2 community as the River Rap Coordinator. And
3 there is six beneficial use impairments among
4 14 total possible, that there are six assigned
5 to this area, as Dave was touching on.
6 They're all related to the contaminated
7 sediments pretty much. It involved fishery
8 too, fish consumption and advisory,
9 degradation of habitat, not only of the fish
10 habitat, but also wildlife habitat. There's
11 also reduced population of wildlife and
12 fishery and degradation of benthos, or the
13 bottom of the river bed. And, of course,
14 there was the restriction of dredgings. So
15 there's six of those.

16 And really between the Legacy Act and
17 this other piece, this restoration piece, the
18 natural resource damage restoration plan,
19 those both together fit very well to address
20 all of those pieces and directly will
21 complement and address the area of concern
22 delisting.

23 MS. MARKWORTH: Sir, go ahead.

24 MR. GRIPPI: Dave, you mentioned
25 earlier that you'd be willing to look at the

1 project from the cost benefit. Within
2 Alternative C, the walkway to the lighthouse
3 would be eligible for transportation
4 enhancement money for ODOT to pay up to 80% of
5 the construction costs. Are there any
6 examples of projects within Alternative B
7 where you can leverage the trustees' money for
8 outside funds to make even better projects or
9 bigger projects?

10 MR. DEVAULT: Again, as I said
11 before, the trustees don't have any money.
12 These would be projects that would be
13 implemented by the responsible parties, by
14 actual companies themselves.

15 MR. GRIPPI: Are you going to
16 leverage their money for money to improve --

17 MR. DEVAULT: I can't leverage
18 their money. I'm sure they may be trying to
19 leverage their money.

20 MS. ABRAHAM: Matthew, you have a
21 comment?

22 MR. SMITH: I could say that if
23 something came up with the project where there
24 were monies available, maybe a grant was
25 applied for, and then you can do that, then

1 you could use -- they could match a part of
2 that amount if they were looking at a project
3 and they said, "Listen, we want to go half and
4 half on this project, or we want to go 60/40,
5 depending on" -- I'm sure that could be
6 something that would be worked out.

7 MR. GRIPPI: Matt, you don't
8 believe that ODNR has those funds in place for
9 this project as an alternate, do you?

10 MR. SMITH: Go to the website.
11 ODNR has all types of projects that they do
12 the work on and they do fund different
13 activities.

14 MS. MARKWORTH: Sir, down here.

15 MR. FRISBIE: Bob Frisbie. I'm the
16 Director of the Ashtabula Marine Museum, short
17 name; long name, Great Lakes Marine and Coast
18 Guard Memorial Museum. I'm also the historian
19 for the Ashtabula lighthouse, and under the
20 Restoration and Preservation Society of the
21 lighthouse.

22 We don't want this to happen again, all
23 of us, I know. So why not delve into a little
24 bit more of the learning curve. We had a lot
25 of people come to town in the early days.

1 They obviously thought that it was easy to
2 pour that stuff into the water and run it down
3 to the river and put it in the lake and
4 nobody's going to worry about it.

5 Today we've got youth that aren't being
6 trained in a lot of functions in their
7 schools. They're cutting curriculums and this
8 sort of thing. So I think that if we use the
9 learning center at the Walnut Beach as a
10 possible training facility for the people that
11 come to our town from other areas, not only to
12 do business here, but also to visit and
13 understand what we went through trying to have
14 this happen, I think the learning center and
15 interpretive center there would be an
16 excellent function to have that happen. I
17 don't hear that being said in your comments.

18 I can understand your specific use in
19 most cases is about the fish. They were there
20 drinking the water, creating the disease
21 within their bodies because of that, but so
22 were the people of Ashtabula. They were there
23 drinking the water out of the lake that came
24 down the river. They were the people that
25 were involved in this.

1 So my feeling is, or my question I
2 think in that respect is, why not give that a
3 little bit more credibility on your Option C
4 and possibly put it into the B? And along
5 with that, because I'm involved in the
6 lighthouse with the museum, we have an awful
7 lot of individuals that come here that want to
8 spend time at the lake, at the business of
9 tourism, and we aren't hearing anything about
10 the tourism; I hear a little bit of that.

11 But my focus, I think, would be to try
12 and get you to understand that there is very
13 little places, because of something that
14 gentleman just made comment of, and I think
15 you also, most of the lakeshore area and the
16 river shore area is owned by some individual
17 or some industry. So there is no way to get
18 into the fish and do your fishing. Once you
19 clean it up, we have nice clean fish, nobody
20 can get to them. Yes, they're going to feed
21 the lake, and yes, that's the beauty of this
22 thing, but we always have these people in the
23 area who would like to go fishing.

24 The walkway out there with its present
25 design gives a lot of walkway space to get

1 people out there. Once they're out there they
2 can fish off of these little extentions off of
3 that to be able to get to that. I didn't hear
4 much about that, so if you could kind of
5 comment on those two particular projects I
6 would be interested to hear that.

7 MS. ABRAHAM: I guess I'll start.
8 Mr. Frisbie, we hear you. Unfortunately our
9 hands are somewhat tied by the regulations.
10 And if we had the ability to fund everything
11 that everybody wanted, believe me, we would do
12 it. Unfortunately, we're constrained first by
13 the regulations, which say we have to focus on
14 the injuries to the natural resources. And
15 that is a limited factor.

16 And the second thing is, Dave talked
17 about restoration projects. There are a
18 number of restoration projects that could
19 happen all along the length of the river. And
20 we are trying to get the most that we can to
21 benefit the people of Ashtabula, not just the
22 city, but all of Ashtabula. And we're trying
23 to put in wherever we can fishing access,
24 trails, enhancements, small canoe launches.
25 If there is something in the Ashtabula

1 Township Parks Commission that we can help
2 enhance, we are working on all those things to
3 improve access for the people of Ashtabula.
4 But I want to be really clear, the cost of the
5 projects as they were presented to us doesn't
6 allow us to fully fund them.

7 Now, Mr. Cantagallo would be a really
8 good person for you to talk to, so maybe
9 working with him you can tap into other
10 sources of funding to be able to build those
11 kind of things that you're talking about. I
12 mean, you have some great local leadership; I
13 encourage you to talk to him and talk to some
14 other people. Mr. Grippi is clearly
15 enthusiastic. Set up a community
16 organization. We will help in whatever way we
17 can. Matthew will direct you to some sources
18 of funding, but we can't -- we were unable to
19 focus exclusively or to a large extent on
20 those kind of projects in this process.

21 MR. FRISBIE: I guess Mr. Grippi
22 alluded to it, if there is another funding
23 that we come up with, and there is a chance
24 that you folks could give us the additional
25 money to work on getting the major amount of

1 money, or something like this, is that within
2 your responsibility or within your area of
3 taking care of the projects?

4 MR. DEVAULT: Again, and we're
5 still in the negotiations stage, so none of
6 this is final, but what we're looking at is a
7 settlement where the responsible parties would
8 actually implement these projects.

9 MR. FRISBIE: So they would be the
10 in-charge person for -- so if we, for lack of
11 a better way, if we went to all of these
12 groups that are giving the money for their
13 problem that they created, or supposedly
14 created, then these people could come back to
15 you and say, "We're going to spend all this
16 money on "X" number of projects," and this
17 would be where you would go?

18 MR. DEVAULT: Not exactly.

19 MS. ABRAHAM: We'd still have to
20 look at the benefit to the resources. We
21 still have to make sure the injured resources
22 are made whole to some extent. Then we try
23 and factor in whatever else is possible. It's
24 not something that we can promise because
25 we're in the middle of settlement

1 negotiations, that's why we have our lawyers
2 here.

3 MR. WILLIAMS: The trustees are
4 responsible for the selection of the
5 restoration projects. The responsible
6 parties, if we come to this agreement, will be
7 responsible for implementing those projects
8 under our oversight and approval.

9 MR. FRISBIE: So they really don't
10 have any say-so in where their money is being
11 spent other than to say that they will spend
12 it?

13 MR. NAVARRE: Right. Ultimately we
14 have to decide how that money is spent. It's
15 our obligation as the trustees to spend it on
16 that limited frame work of restoring,
17 replacing or acquiring the equivalent of the
18 resources damaged. I think that's the
19 frustration I'm sensing from some of you
20 tonight, is that we don't have the latitude to
21 spend natural resource damage monies on
22 economic development projects or an
23 educational project because we're limited to
24 spending on a natural resource damage
25 restoration project. Essentially the federal

1 statute requires us to limit how we spend that
2 money to a natural resource damage restoration
3 project.

4 In his presentation Sig mentioned that
5 we're compensating for damage to the resource
6 and also damage to the lost use of that
7 resource to the public. So there is some
8 flexibility in terms of considering a project
9 such as the lighthouse breakwall project that
10 would provide enhanced fishing opportunities.
11 That's a link to compensating for the lost use
12 of that fishery resource, but I think we're
13 somewhat constrained by that. And if we
14 reached a settlement that included nothing but
15 restoring or improving the lighthouse, the
16 access to the lighthouse and installing
17 fishing piers, I think that would be contrary
18 to the statute.

19 MR. FRISBIE: I can understand
20 that.

21 MS. ABRAHAM: Can I just clarify
22 one thing? We are here as trustee
23 representatives. The actual trustees are the
24 Director of the Ohio EPA and the Director of
25 the Fish and Wildlife Service. So it's a

1 level much higher than us. They will make the
2 ultimate decision; we just recommend. We're
3 the grunts who do the work.

4 MR. JOSEPH: Just some further
5 clarification, because there are some
6 subtleties in the language here that are
7 used. I just want to understand, one thing
8 that between Alternative B and Alternative C,
9 where Alternative B refers to stating it
10 focuses directly to restore resources with the
11 implication that another alternative would
12 indirectly restore them. Then it refers to
13 providing enhanced ecosystem and public-use
14 services. When we get to Alternative C, the
15 terms slightly change, talks about human-use
16 services lost through injury, seemingly more
17 compensatory. I don't see a reference here to
18 indirectly or even restoring.

19 Then he get to the table between
20 Alternative B and Alternative C. I'm just
21 looking right down the line here at
22 Alternative C, whether it will rehabilitate
23 wetlands, flood plains, riparian or associated
24 wetland habitat. No. Improve aquatic habitat
25 and near-shore habitat. No. Provide for

1 enhancement of abundance and diversity of
2 self-sustaining fish populations? No.
3 Preservation of wetlands, flood plain,
4 riparian and associated upland habitat. No.
5 Then you get to the last point, improve
6 outdoor recreational opportunities/enhance
7 public awareness. Both of them say yes.

8 My question is, and Alternative C is
9 titled, "Augmentation of Human Use Related to
10 Natural Resource Services". It is not
11 restoring any of those natural resource
12 services in terms of the ecosystem functioning
13 itself.

14 What are these human uses related to?
15 I mean, other resources elsewhere? That's
16 what I don't get. It seems that it's not
17 indirect restoration, it's just a difference
18 between actually restoring the resources
19 versus compensating for human uses that were
20 maybe lost by this generation. But this is a
21 multigenerational problem in the make. I'm
22 just wondering whether a pot of money to
23 compensate -- to spend on certain projects
24 that would benefit the public right now would
25 necessarily provide the kind of lasting

1 restoration of the underlying resource
2 functioning that is what ultimately sustains
3 those human uses, including fishing access and
4 so forth. So that's what I want to
5 understand, is whether Alternative C actually
6 meets the purposes of restoration.

7 MR. DEVAULT: I think that's the
8 reason, what you just said, which I could
9 never repeat. I mean, that's the reasoning.
10 It's not the preferred alternative. That's
11 the reason Alternative B is, because that does
12 restore the underlying ecological system that
13 will support the future services and uses of
14 the resources.

15 MS. ABRAHAM: You said that very
16 eloquently.

17 MS. MARKWORTH: We're going to go to
18 the comment period. If you have more
19 questions afterwards, we'll be around and you
20 can ask them individually.

21 Go ahead, sir.

22 MR. SCHMIDT: Just a couple quick
23 ones first. Phil Schmidt, I live in Geneva.
24 My wife and I both enjoy the outdoors and
25 nature and we're quite active in advocating

1 benefits for disabled and elderly people. But
2 I'd just like to get a little better
3 understanding of what's what here.

4 Now, do all the states have to
5 basically conduct their NRD programs under the
6 same federal guidelines and restrictions and
7 in essentially the same manner?

8 MS. ABRAHAM: Yes.

9 MR. SCHMIDT: And then if that's
10 so, then what was done at the Fox River
11 project is potentially something we could have
12 similar things done here. Is that not right?

13 MS. BAKAYZA: The Fox River project
14 was an interim settlement, that is a huge
15 monetary settlement that --

16 MR. SCHMIDT: I don't understand
17 that stuff. Just tell me, can we do what was
18 done at Fox River or not?

19 MR. DEVAULT: Frankly, no. And
20 it's because the settlement here isn't going
21 to be as large. The injuries weren't as
22 great. The geographic area for Fox River
23 included not only the Fox River, but all of
24 Green Bay and a small portion of Lake
25 Michigan. So you're talking about a huge

1 settlement there.

2 MR. SCHMIDT: Did they just
3 negotiate a better settlement? Because when
4 you talk about what we lost here, that
5 Ashtabula River was filthy and it dumped out
6 into the lake and people took the drinking
7 water out of the lake. People around Fields
8 Brook, we suffered a lot of serious health
9 problems here. We lost our fishing rights. I
10 tried to run a sailboat up the river and it
11 went aground the first time I went around with
12 it. We have big losses. And is there any
13 dollar value yet established for this
14 settlement for here?

15 MS. BAKAYZA: We're still in
16 negotiations.

17 MR. SCHMIDT: So you can negotiate
18 more money maybe. That you may be able to do,
19 maybe not. I don't want to abuse my privilege
20 here, but I do believe too that the NRDA
21 pretty much specifically says that there is
22 two types of compensation that are supposed to
23 be done. One is to restore the initial injury
24 resources, and the other is to compensate the
25 public for the loss of those resources and the

1 damages they incurred.

2 And the last thing I'd like to point
3 out is, I question completely your approach to
4 evaluating these alternatives, because they're
5 not -- I understand where you folks come
6 from. You're going to be biased to protecting
7 the natural resources, but from those of us
8 who sit here in Ashtabula County, and I'm sure
9 for citizens in Ashtabula city especially, we
10 feel you should at least give equal weight.
11 And those boxes at the end of your chart
12 should be weighted boxes so that in the end
13 there's at least equal weight given to the
14 losses that the people have suffered here and
15 their compensation.

16 And I would like to see it be such that
17 the elderly and the disabled, those people
18 that went through years and years of the loss
19 of those rivers are now old. They can't walk
20 around; they can't canoe up the river. They
21 can't get at it because you're not going to
22 get public access to it. And they like to
23 just go somewhere on a smooth surface that
24 they can maybe walk, in a difficult way, but
25 have easy access to it, go around in

1 wheelchairs, sit there and watch the sunset
2 and watch the lake and listen to the waves.
3 There's a lot of really good enjoyment you can
4 get from just being able to have good access
5 to the lakefront, see the sunsets and enjoy
6 it.

7 And I think you need to go back and
8 redo your table so that it's equally
9 representative of both of those two things
10 that this settlement is supposed to go over.

11 MS. MARKWORTH: Sir, that might be a
12 comment that you want to put in to be
13 responded to. Go ahead.

14 MR. GRIPPI: I have two more
15 questions. What role did the Ohio Attorney
16 General's office have with the NRD trustees?
17 And also, this one's for Dave, can you quickly
18 summarize the current state of the natural
19 damages on the river; how are the fish doing
20 right now?

21 MR. NAVARRE: I'll answer the first
22 question because I'm with the Ohio EPA. The
23 Ohio Attorney General's office represents us
24 if we are not able to negotiate a settlement
25 and went to court, the same way that the

1 Department of Justice would represent the Fish
2 and Wildlife Service in court. So we're
3 working with them as we continue to try to
4 negotiate a settlement.

5 MR. DEVAULT: We're onto fish.
6 Well, the way we evaluate that is we compare
7 the fish in one area to a comparable area that
8 isn't contaminated. In this case we've looked
9 at Ashtabula versus Conneaut, because Conneaut
10 has a lot of the same features as Ashtabula,
11 except that it isn't particularly
12 contaminated. You have about half the number
13 of native fish species that you would expect
14 to be in Ashtabula. You have about half the
15 number of individual fish in Ashtabula. The
16 fish you do have have impaired immune systems.
17 They have extremely high incidences of
18 parasite, again, probably as a result of the
19 impaired immune systems. They have a lot of
20 reproductive malfunction within the fish in
21 the river. So the fish are pretty screwed up
22 in Ashtabula.

23 Now, hopefully this -- now that the
24 dredging is completed, you've taken away the
25 cause, things should improve.

1 MS. MARKWORTH: Go ahead, sir.

2 MR. HILL: Scott Hill, Western
3 Reserve Land Conservancy. I'm also a citizen
4 of Orwell Township. I just have a question in
5 terms of, I'd like to know if you have any
6 benefit cost analysis data on the cost of
7 restoration versus say the preservation of
8 riparian barriers upstream?

9 MR. DEVAULT: I think it just makes
10 sense that preservation is going to be far
11 less expensive than restoring something. I
12 don't know where you're going with that.

13 MS. ABRAHAM: What we did to
14 evaluate the cost benefit analysis -- to do
15 the cost benefit analysis from an ecological
16 standpoint, NOAA, the National Oceanic and
17 Atmospheric Administration, has a model called
18 the HEA, Habitat Equivalency Analysis model,
19 and we use that and it's a little complicated,
20 but we use that to generate an ecological
21 currency. Then we looked at the acreage and
22 what we spent on a particular project, and so
23 that's how we evaluated the ecological cost
24 benefit.

25 MR. HILL: Is it basically a

1 biological diversity formula?

2 MR. DEVAULT: It's a compounded-
3 interest calculation essentially.

4 MS. ABRAHAM: Are you thinking
5 about Ohio EPA's indices?

6 MR. HILL: Yes.

7 MS. ABRAHAM: Ohio EPA has a number
8 of biological indices, and we actually did
9 some of those. We did those in Ashtabula and
10 in Conneaut to do this comparison that Dave is
11 talking about. So we evaluated from that
12 point also, but for the cost benefit we
13 actually took a look at the ecological
14 currency.

15 MS. MARKWORTH: Before I get to your
16 question, does anybody have a blue card or
17 need a blue card? I'm going to go ahead and
18 collect them as we ask your last question.

19 AUDIENCE MEMBER: You mentioned
20 numerous times tonight the Brockway property
21 that you had purchased. Where is the
22 property? How many acres and what did you pay
23 for it?

24 MR. DEVAULT: 37 acres. It's just
25 across from the hospital. It's 37 acres.

1 There's approximately a six-acre wetland on
2 it. And Mr. Brockway would prefer that we
3 call it the CVM property. He's concerned that
4 people may think he sold his marina, which he
5 hasn't.

6 AUDIENCE MEMBER: It's not public
7 knowledge?

8 MR. DEVAULT: I mean, that's where
9 it is. We paid -- I'm not exactly sure, but
10 between 250,000 and 270,000. Mike would know;
11 Mike actually paid it.

12 MR. WILLIAMS: It's the undeveloped
13 portion of the Brockway property just south of
14 24th Street on the east side of the river
15 across from the hospital.

16 MS. MARKWORTH: We're going to go
17 into the public comments and we'll ask
18 questions afterwards.

19 MR. BREWER: Can I ask one more
20 question?

21 MS. MARKWORTH: Okay.

22 MR. BREWER: Rick Brewer,
23 Painesville, Ohio. It seems to me by the way
24 negotiations have taken place and the projects
25 that you have chosen that you are near a

1 tentative settlement of some sort. And the
2 public has no input at all, is that correct?

3 MR. NAVARRE: Well, tentative
4 settlement, we are still negotiating with the
5 responsible parties.

6 MR. BREWER: Will the public have
7 any input as to those projects?

8 MR. NAVARRE: I think the
9 opportunity for the public for real input is
10 now. There will also be an opportunity, if we
11 reach a settlement, to comment on the consent
12 decree that's lodged in federal court. But I
13 think the realistic, genuine opportunity to
14 comment on the restoration plan and the
15 projects that comprise it is now. This is the
16 genuine opportunity to do that, not to wait
17 until and if we reach a settlement that's
18 lodged in federal court.

19 MR. BREWER: May I ask a follow-
20 up? Dave, you referred to the fact that the
21 Fox River partial settlement is \$60,000,000.
22 Matthew said only 10% of that could be used
23 for recreation and human use. We would need
24 to know to compare the two what this project
25 was worth.

1 MS. BAKAYZA: What what project is
2 worth?

3 MR. BREWER: What the settlement
4 you're going to negotiate is worth in
5 dollars. And we're not hearing anything about
6 that because you say there's no pile of money
7 on the one hand. And on the other hand, some
8 of my dollars are going to go into the project
9 before it's done and we would need to know
10 that in order to see whether we would have any
11 entitlement to 10% or whatever it is that Fox
12 River got.

13 MS. BAKAYZA: Let me just clarify
14 one thing. First of all, for those of you
15 that have a question with respect to
16 educational facilities, because I hear that
17 this is a recurring theme, I would encourage
18 you to put your questions down on paper so
19 that we can formally respond to them. I at
20 this point am not prepared to -- I mean, we've
21 done some research on this. I'm not the
22 attorney on the Fox River case, so I would
23 like to make sure that factually I have all
24 the information that I would need to be able
25 to respond to what specifically was done.

1 MR. BREWER: I can give you this
2 if you like.

3 MS. BAKAYZA: But I can't read that
4 right now, sir. But I'm just saying, I would
5 just like to be able to respond, so if you put
6 your questions down we're definitely going to
7 respond to them. I just can't answer
8 something specific right now about another
9 case in another state which I'm not the
10 attorney that had negotiated the settlement or
11 what have you. So it's not to say what's
12 similar and what's dissimilar because I don't
13 have that familiarity with it. So if you
14 could put them down I would really appreciate
15 that so we can get those responses to you.

16 With respect to this, I think the
17 second question that you said was, what Dave
18 is trying to say is right now we are in
19 settlement negotiations. There is no, quote,
20 unquote, pot of money. We are negotiating to
21 have restoration projects completed by the
22 responsible parties. We don't know what's
23 going to happen or what's going to transpire
24 and we're actually in negotiations at this
25 point. So I don't think that we're trying to

1 hide the ball, we just don't know where we
2 are. We don't have a final settlement.

3 MR. DEVAULT: Before we could tell
4 you what this settlement is going to be worth
5 in dollars we would have to have completed
6 it.

7 MR. BREWER: At that point there
8 would be no public input.

9 MS. BAKAYZA: Your public input is
10 right now. I think that we're actually -- we
11 want to hear from you because we're in
12 negotiations so that we can make a very
13 informed decision about what we want to do.
14 And that's why we're actually holding this
15 meeting prior to the finalization of the
16 consent decree because, in a lot of instances,
17 I've got to be honest with you, you don't have
18 the restoration plan come out until after the
19 settlement's already been done. We were
20 trying to take a very proactive approach in
21 terms of trying to get public comment prior to
22 filing the consent decree. So I think this is
23 a great opportunity for you to make any
24 comments that you would like so that we can
25 respond to them and consider them. And that's

1 purposely why we held this meeting prior to
2 finalizing anything.

3 MS. MARKWORTH: Are there any more
4 blue cards that anyone would like to turn in?

5 AUDIENCE MEMBER: Since you folks seem
6 to think project B or plan B is what you would
7 recommend, you must have some idea what it's
8 going to cost. So what do you think it's
9 going to cost? I mean, because if you're
10 negotiating with industry then you ought to
11 have some idea what you expect to get from
12 them to cover your plan B.

13 MR. NAVARRE: Sheila Abraham
14 explained earlier the use of something called
15 the Habitat Equivalency Analysis, the
16 so-called HEA model, and that's based on
17 substituting an alternative currency for
18 dollars.

19 AUDIENCE MEMBER: Which means what?

20 MR. NAVARRE: Which means that from
21 an ecological standpoint we tried to evaluate
22 the number of acres of habitat that were
23 damaged as a result of the industrial
24 activities in the Fields Brook corridor.

25 AUDIENCE MEMBER: You must have some

1 idea of cost.

2 MR. NAVARRE: I'm saying that we
3 focused on an approach that substituted acres,
4 damaged habitat, for dollars, because we were
5 trying to come up with a settlement model that
6 would replace those damaged acres with
7 restored acreage.

8 Settlements can take a variety of
9 forms. A simple approach, and the one that
10 we're customarily used to in western society,
11 is to negotiate in dollars. But sometimes
12 it's difficult to do that when the parties are
13 not willing to pay what you feel in dollars
14 you're entitled to. And I can tell you that
15 after completing a between 50 and \$60,000,000
16 dredge Great Lakes Legacy Act project to clean
17 up that river, these responsible parties, this
18 group of companies, and the amount of money
19 that they contributed, along with federal
20 grant monies and state monies and so forth, I
21 think feel like that it's going to be very
22 difficult for them to produce more dollars
23 towards this resolution.

24 So we approached it differently. We
25 approached it in terms of the amount of

1 acreage that we would require to be restored
2 in order to compensate. That's in process.
3 There is not a dollar figure attached to that;
4 we're negotiating in terms of restored acres.
5 That's why I can't give you an answer in
6 dollars because I can't put a cost number on
7 it for you. It's about trying to restore the
8 damaged resource in terms of damaged habitat
9 and acreage.

10 MS. MARKWORTH: We're going to move
11 on to get your comments on the record. We've
12 seen some people leave and we want to make
13 sure people have the opportunity. If you'd
14 like to stay when we're done with the comments
15 you're welcome to and talk to our panel and
16 they can answer your question for you.

17 Are there anymore blue cards? I'll go
18 ahead and call the first name. Again, you
19 could -- with the public comments you have
20 five minutes to state your comment. You do
21 have the opportunity to submit comments in
22 writing again up to the 30th. And there is
23 information on the agenda for submitting your
24 comment. You can submit one card for your
25 comments

1 And the first person is Frank
2 Lichtkoppler.

3 MR. LICHTKOPPLER: My name is Frank
4 Lichtkoppler. I'll give you a copy of this
5 stuff. I've been working with the Ashtabula
6 Remedial Action Council (RAP) since 1988. I
7 am a founding member of the Ashtabula River
8 Partnership (ARP) and have worked with the APR
9 since it was formed in late 1994.

10 In the early 1980s the International
11 Joint Commission declared the Ashtabula River
12 and Harbor a Great Lakes environmental Area of
13 Concern because the pollution of the river had
14 impaired the beneficial use of the river. The
15 Beneficial Uses Impairments that were
16 documented for the Ashtabula River and Harbor
17 include: Restrictions on fish and wildlife
18 consumption; degradation of fish wildlife
19 populations; fish tumors or other deformities;
20 degradation of benthos (bottom habitat);
21 restriction of dredging activities; loss of
22 fish and wildlife habitat. I looked it up
23 today.

24 This designation of the Ashtabula River
25 and Harbor and Great Lakes environmental Area

1 of Concern helped to spur on the work of the
2 local Ashtabula River Remedial Action Plan
3 Council. Under the threat of a Superfund the
4 the Ashtabula River Partnership was formed to
5 focus on and find a better way to dredge the
6 contaminated sediments from the Ashtabula
7 River and Harbor. After many years of work
8 this environmental dredging is almost
9 complete. When it is finished it will provide
10 increased commercial and recreational access
11 to the Ashtabula River. However, the
12 environmental restoration and elimination of
13 the beneficial use impairments remains to be
14 accomplished. National resource restoration
15 and protection is needed in order to delist
16 the Ashtabula River from the IJC list of areas
17 of concern.

18 Damages to the fish and wildlife
19 populations and habitat in the Ashtabula River
20 and Harbor have been documented and three
21 Resource Restoration alternatives have been
22 proposed. Alternative A, no action, will do
23 nothing to help restore the beneficial uses of
24 the Ashtabula River, and will not help us to
25 delist the river as an area of concern. With

1 Alternative A there will be no increase in
2 public access to Ashtabula River resources and
3 no restoration of those resources.

4 The Alternative C, I call human-use
5 alternative, will provide for increased public
6 access and increased public education on the
7 natural resources of the Ashtabula River, but
8 those resources will not be restored and
9 improved under Alternative C. This
10 alternative will not help us remove the area
11 of concern stigma from the Ashtabula River and
12 Harbor.

13 Alternative B, habitat restoration and
14 protections, will enhance and preserve
15 riparian, flood plain and upland habitat; it
16 will enhance, reestablish and preserve
17 wetlands; it will improve the aquatic
18 habitat. These actions will help to eliminate
19 the beneficial use impairments on the
20 Ashtabula River and help us to remove the
21 Ashtabula River from the list of Great Lakes
22 Areas of Concern.

23 This restoration and protection of fish
24 and wildlife habitat will also provide for
25 increased access to the natural resources of

1 the Ashtabula River and Lake Erie.

2 Alternative B is the only alternative that
3 will increase the wetland habitat, increase
4 aquatic habitat, increase fish species
5 diversity, increase fish populations, increase
6 wildlife populations, and improve surface
7 water quality.

8 Alternative B will help to remove the
9 IJC Area of Concern designation and all the
10 negative publicity and adverse media attention
11 that is associated with that designation.

12 Alternative B will also help to increase the
13 quality of life in the community, increase
14 opportunities for wildlife enjoyment and bird
15 watching, improve fishing by removing the
16 restrictions on fish consumption, and enhance
17 the local economy via increased nature-based
18 tourism, improved boating access and improved
19 fishing opportunities.

20 I'd like to thank you for the
21 opportunity to comment on this draft natural
22 resource plan. I do have a question. What
23 are the acres that you want to see restored?
24 You talked about coming back in acres.

25 MS. MARKWORTH: Sir, we can answer

1 afterwards. We're just taking the public
2 comments right now.

3 Next, Brett Joseph.

4 MR. JOSEPH: Thank you. I'm not
5 going to take the whole five minutes. I have
6 a couple comments, but I do want to mention
7 again, my name is Brett Joseph. My ancestors
8 were longshoremen in Ashtabula Harbor a couple
9 generations ago, probably right at the
10 beginning of the period when some of the harm
11 was being done. It is personal for me. I
12 live in Conneaut. I live on Kayan (phonetic)
13 Creek right now, and an area that has recently
14 undergone land acquisitions and so forth to
15 restore ecological connectivity and we're
16 seeing the benefits of that. I would love to
17 see that in the Ashtabula River as well.

18 Also, just to mention that I spent 15
19 years of my life in the area of coastal zone
20 protection and coastal zone enhancement, so
21 I've very sensitive to issues of beach access
22 and human uses and so forth. But what I want
23 to convey in my comment is to paraphrase
24 Einstein, "We can't solve problems of the past
25 by at the same time thinking what created them

1 in the first place."

2 There's a little bit of a sense of that
3 in the way the alternatives are laid out
4 here. You're seeing it in the comments
5 today. I urge you not to fall into the trap
6 of making the choice between protecting the
7 resources and benefiting the people who depend
8 on those resources. I know that all of the
9 alternatives have a little of both. There is
10 a sense, particularly between B and C, that
11 one is really more for the resources, resource
12 restoration, where as the other is really
13 benefiting the people. And I think that's old
14 thinking. That's a false dichotomy and I urge
15 you to try to move beyond that in the ultimate
16 choice of alternatives.

17 The context here is a multi-
18 generational context, that's why I was
19 speaking about my ancestors. We need to think
20 as, say, the seventh generation down the
21 line. We need to think ahead of the projects
22 that are selected today. Are they going to
23 depreciate? A restroom facility, how long is
24 that going to last? Yeah, it will benefit
25 people for a while, but restoring a river,

1 that's going to have a lasting impact,
2 particularly when you talk about hydrological
3 connectivity. It took a long time for the
4 resource to get damaged and here's an
5 opportunity, perhaps once, definitely once-
6 in-a-generation opportunity, to restore these
7 essential functions of the ecosystem.

8 Have you ever seen those aerial photos
9 of the shore land of Lake Erie, particularly
10 ones from the satellite? You see that big mud
11 slur that comes out of the mouths of all the
12 rivers. That really in one picture tells the
13 whole story, showing that sediment washing
14 downstream. You see that all over. And the
15 only way to address that kind of impact and
16 longterm damage and longterm alteration of the
17 system is to start connecting those components
18 of the watershed, the riparian areas, the
19 tributaries, and so forth, and the fisheries
20 as well, all depend on those connections.

21 And finally, just to use one further
22 illustration, I think we often view
23 compensation as being in lieu of the resource
24 that was lost. Well, restoration, the whole
25 concept restoration and the reason it's

1 written into law, is that when it's possible
2 to restore, I mean, nature does heal, but
3 sometimes it needs a little bit of
4 assistance. And I urge you not to go with the
5 prosthetic. I mean, if you lost a leg and you
6 had the ability to regenerate that leg, we
7 would all prefer to have the natural leg back
8 rather than the prosthesis. Unfortunately we
9 can't do that, but in nature, nature has an
10 amazing regenerative capacity. It will never
11 be perfect, it will never be exactly like it
12 was, that's not what I'm saying.

13 I'm saying it's false dichotomy to say
14 it's either compensate by creating a sum of
15 money for some other project elsewhere versus
16 taking measures that are really cost
17 effective, because it really doesn't take that
18 much to be able to record the connectivity, do
19 some planting, control the species. That can
20 go a long way for a long time. Thank you.

21 MS. MARKWORTH: Bob Frisbie.

22 MR. FRISBIE: Bob Frisbie. I'd
23 like to just let you know that I still believe
24 that the human portion of it is being ignored
25 to some extent, and that the learning

1 capabilities need to be given out to the youth
2 and the future generations so that we don't
3 have these problems again. And one of the
4 ways we could do that would be this.

5 The second portion of my comment is
6 that the walkway providing an access to the
7 lake to the fishermen, not only, as some have
8 mentioned, for the people who are disabled,
9 myself included, to be able to get to the lake
10 to get on this type of an arrangement and be
11 able to get to the lake, drop a line in, and
12 actually get experience to actually see healed
13 fish being brought to the surface.

14 So I believe that your ecosystem
15 repairs are very important, not to be left
16 out, but if you can see your way to look into
17 assisting, if not providing, the funds for
18 these items, to look at both of those items in
19 the future.

20 MS. MARKWORTH: Philip Schmidt.

21 MR. SCHMIDT: Could I delay for a
22 little bit?

23 MS. MARKWORTH: Sure. John Keenan.

24 MR. KEENAN: There's like an
25 elephant in the living room I'd like to bring

1 up here. The most visible and ongoing
2 environment impact is the Norfolk and Southern
3 Coal Terminal. This company has blocked
4 access to the lakefront wetlands. They've
5 filled wetlands and built permanent structures
6 on these areas. What else have they done?
7 They are using these filled wetlands to claim
8 status as an upland owner and lay claim to the
9 lakeshore sand deposits. They continue with
10 chronic coal dusty emissions.

11 I'd like to know the status with you
12 folks. I understand they're in separate
13 negotiations with Norfolk and Southern.
14 That's the most visible and ongoing
15 environmental impact in that area, is the
16 Norfolk and Southern Coal Terminal. No matter
17 what you do in that area that's the elephant
18 in the living room, I think. And how did they
19 opt out of the settlement? I don't understand
20 that. If you could explain that. Thank you.

21 MS. MARKWORTH: Mark Hanneman.

22 MR. HANNEMAN: Much of what I have
23 to say has been said. Both Alternatives B and
24 C have merit. Clearly I don't foresee any
25 settlement option that's going to allow for

1 all. I look at it though, it's in
2 chronological order. A, we've seen no action
3 for a long time. B, we need to get these
4 things done before we can actually pursue
5 Alternative C. If you want people to fish you
6 have to have fish. If you want to have fish
7 in the harbor you have to provide a habitat
8 for them. It's rather simple. Like you said,
9 nature does take its course and will allow
10 healing, but we do have to supply a little
11 help. So that's all I have.

12 MS. MARKWORTH: Joe Santiana.

13 MR. SANTIANA: Like I said before,
14 I'm the President of the Ashtabula Lighthouse
15 Society. Some of the things have already been
16 said. When you dredge the river and you
17 dredge Fields Brook, which I own a house where
18 Fields Brook runs through and water runs clean
19 again, the fish will naturally come back.
20 Throwing millions of dollars into certain
21 types of habitat for the fish which they'll do
22 naturally.

23 This area was a large industrial area
24 at one time and everybody depended on it for
25 jobs. Now the industry has left and left

1 their pollution behind. We don't have that
2 much left here. We would like to see money,
3 and I'm not speaking for everybody, we would
4 like to see this money have the greatest
5 impact to improve our area.

6 Now, there's nothing wrong with a
7 habitat for fish and everything else, but
8 there's also a habitat for the humans who are
9 still living here. I think it's very
10 important -- we stand behind the breakwall
11 walk that's going to be at the end of the
12 Greenways trail. This will bring thousands of
13 tourists to Ashtabula, and improvement of
14 Walnut Beach.

15 The jobs have left so there's nothing
16 else to do as far as bringing in new things.
17 So the only thing we can rely on is trying to
18 boost our tourism in this area. And Bob
19 mentioned a lot of things, and other people,
20 tonight in speaking,

21 So our organization, and we talked to
22 hundreds of other people, we all feel the
23 same, we should have part -- the public and
24 the elected politicians in Ashtabula County
25 should have had a part in the negotiations for

1 this money. This shouldn't have been kept
2 silent. I mean, as long as the money is going
3 to spent in this area, we want it to have the
4 greatest impact on this area, possible
5 impact.

6 And fishing access, that was one of the
7 things that was destroyed when a lot of these
8 industries came in here and things had to
9 develop along the river at that time.

10 Somebody had just spoke about it, there's no
11 fish to catch. There are fish out there; they
12 weren't going to come into a dirty river and
13 swim upstream. Once the river is cleaned up,
14 and over a period of time it will clean
15 naturally up on its own, the fish will come
16 back. But if you have no access to get there
17 and fish, you are wasting your time with the
18 money if people can't get to it. That's all I
19 have to say.

20 MS. MARKWORTH: Mike Wayman.

21 MR. WAYMAN: My name is Mike
22 Wayman. I'm currently the Chairman of the
23 Ashtabula Park Commissioner. I'm also
24 currently the Chairman of the Ashtabula River
25 Watershed Steering Committee.

1 Part of the steering committee's
2 mission and goal is to preserve the water
3 quality, open space, the natural,
4 recreational, agricultural and scenic
5 resources of the Ashtabula River by uniting
6 residents, landowners, businesses and
7 communities in the stewardship and permanent
8 protection of the Ashtabula River and
9 Ashtabula River Watershed. So hopefully we're
10 not sitting here 50 years from now having the
11 same dialogue.

12 We are also working with the Ohio
13 Department of Natural Resources and scenic
14 river program, along with Matthew Smith, to
15 see if the upper Ashtabula River can receive
16 designation as a scenic river, which
17 ultimately will bring a sense of pride and
18 awareness to the Ashtabula River and hopefully
19 economic input.

20 As part of the Ashtabula Township Park
21 Commission I had offered, along with Indian
22 Trails, many opportunities to help meet the
23 goals set forth in the restoration plan. And
24 we offer to help in any way to meet your
25 goals. Thank you.

1 MS. MARKWORTH: Kevin Grippi.

2 MR. GRIPPI: Thank you for your
3 service. I know all of you have been coming
4 to Ashtabula County for years working on this,
5 and you're all wonderful public servants and
6 we're lucky to have you out here fighting for
7 these projects and our community. I think
8 quite often you guys just take too much of a
9 beating. I just want to acknowledge that
10 you're doing good and I appreciate what you're
11 doing.

12 I also want to remind you, and you've
13 been around Ashtabula, you know, this
14 wonderful building we're in today does not
15 represent our community. Ashtabula is a
16 desperately poor community that's spiraling
17 ever so down into the depths and we need a
18 break. We need you to go back and sharpen
19 your pencils and take a look at blending some
20 of the projects together and provide more
21 human-use projects that can benefit our
22 community now, not 20, 30, 40 years from now.
23 Hopefully when things turn around and the
24 environment mends itself and suburbs grow
25 their way out here, that's all great for the

1 future. Right now we need a break, and I'd
2 like you to consider that.

3 I'd also like you to give -- I know
4 we're not supposed to talk about geopolitical
5 lines, but you need to give fair consideration
6 to the fact that 100% of the damages were done
7 in the city of Ashtabula. 100% of the clean-
8 up -- I'm sorry, not the damages, the clean-
9 up, 100% of the clean-up was done in the city
10 of Ashtabula. And truly there has to be more
11 projects within the city limits of Ashtabula.
12 Thank you.

13 MS. MARKWORTH: Scott Hill.

14 MR. HILL: I work for a group
15 that does land conservation in 14 counties in
16 northern Ohio. I've been to about 20 meetings
17 in the last week with very much the same
18 topic. There seems to be an ongoing struggle
19 between the restoration problem and the
20 economic stimulus problem when there really
21 shouldn't be. The vast majority of our goals
22 are the same.

23 In northern Ohio the three counties
24 with the highest area of property values,
25 Medina, Lake and Geauga County, also have the

1 largest amount of green space. The economic
2 stimulus comes from having green space; it's
3 difficult to measure. But I will tell you
4 that the ten communities that have the highest
5 quality of living in our country all have very
6 active green space projects.

7 It is true you do need access to go
8 fishing, but without the fish it won't do a
9 lot of good. If you restore a vibrant
10 fishery, if you protect the riparian corridors
11 along your river, you will have a vibrant
12 fishery that can then fund and finance
13 continued economic development. There's no
14 question that economic stimulus is really the
15 driving force, especially in this community.
16 I don't think those two goals are divergent.

17 MS. MARKWORTH: Philip Schmidt.

18 MR. SCHMIDT: Thank you for giving
19 me the opportunity. I too would like to thank
20 you for what you do. You do have a difficult
21 job at times dealing with people like me. But
22 I didn't mean to come across as mean-spirited
23 or disparaging to you.

24 I'm just trying to point out that I
25 feel the method that was used to evaluate

1 these alternates was biased against
2 Alternative C and, therefore, it did not
3 fairly compare the two. The trustees I feel
4 should come up with a new approach that
5 recognizes that compensating the public for
6 the loss of their natural resources is just as
7 important and just as much deserving to be
8 done as it is to restore those resources.
9 That's not to say it's not important to
10 restore the resources, but it should also not
11 be lost; it's important. These are
12 essentially punitive damages that these
13 companies are paying at this point, while it's
14 to restore, to us, the losses that we incurred
15 for almost 50 years that they were making that
16 river so we couldn't really use it.

17 So companies came in here, most of
18 them, the responsible parties, and they
19 operated, they made profits, and certainly
20 they gave us income, some of us, but then when
21 the jig was up they took off and they've left
22 us as a very depressed area. And we are
23 striving to get back to where we're a strong
24 economy.

25 We also like our green space. A lot of

1 people living in Ashtabula County live here
2 because they like living in an open area and
3 not in an urban area, but it doesn't mean we
4 don't value the opportunity to go down and
5 enjoy either being by the lake or walking
6 along the shore or seeing a sunset.

7 And to me this Alternative C is not as
8 much an economic issue as it is one of getting
9 something out of it that I can enjoy
10 recreationally. And I feel it also is going
11 to be important for generations after us to
12 not only be told in school about conservation
13 and ecology down there maybe at the Walnut
14 Beach area, but also to be told in an
15 educational setting right there where they can
16 see about it and see about the lake.

17 So anyway, I feel the approach that
18 should be taken shouldn't simply be a table
19 with yes or no answers, relating to
20 prioritization factors that are biased to
21 restoring natural resources. But it should be
22 an approach that involves, A, weighted factors
23 that represent, when you total them all up,
24 both of these two objectives of compensating
25 the public and restoring resources. When you

1 look at these weighted factors that you list
2 on the left side of your table, they ought to
3 be equally weighted for both of those things.

4 And then, B, you should be giving the
5 responses, not just a yes or no answer, but
6 you ought rate them from one to ten
7 individually on each one of those
8 prioritization factors as to how well they
9 meet that factor. That's how businesses and
10 people and organizations go about trying to
11 sort stuff out. They don't make up a table
12 with just what I feel are biased factors and
13 then just answer yes or no and count up how
14 many yeses and how many nos. Some things are
15 a lot more important than others.

16 I think last of all, well, not last of
17 all but next to last, I would like to see that
18 consideration is given to how the projects
19 benefit the elderly and the disabled.

20 And last, I feel it's essential that
21 that final approach you take provides equal
22 money for both approaches. It is vitally
23 important to the public in this area to keep
24 the river in good shape. I don't think any of
25 us question that at all; we don't want to see

1 that go away. But it's also very important
2 for us to have access to that lake and to
3 build up that resource so that our children
4 and our grandparents will be able to go down
5 there and fish and boat and go to an
6 educational center and enjoy the beach and
7 wildlife there. Thank you.

8 MR. BACON: (Via blue card)

9 There is a dire need for a detailed map of the
10 area in question displaying the specific
11 locations of reparations, the injured
12 habitat: Specific locations of targeted
13 wetland restorations; exact areas dredged;
14 existing occupied, privately-owned property
15 and manmade structures should be involved,
16 also the Brockway property; terrain elevation,
17 wooded areas, et cetera, would also be
18 helpful. Said document should be created as a
19 pdf and made available online.

20 MS. MARKWORTH: Does anybody else
21 have a blue card they'd like to submit? I
22 just want to remind you that the public-
23 comment period is open until April 30th. At
24 the bottom of your agenda there is contact
25 information if you want to submit anything in

1 writing, any written comments or any
2 supporting materials. If you do have
3 additional questions, I invite you to come
4 down and speak to the folks that are here
5 tonight. They're here to talk to you and
6 answer your questions. Thank you for coming.

7 (Hearing concluded.)

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1 State of Ohio,)
2 County of Cuyahoga.) SS:
3

4 C E R T I F I C A T E

5 This certifies that the foregoing is a true
6 and correct transcript of the proceedings had
7 before the State of Ohio, Environmental
8 Protection Agency, at Lakeside High School,
9 6600 Sanborn Road in Ashtabula, Ohio, on
10 Tuesday, April 22, 2008, commencing at
11 7:00 p.m.

12
13 In Re:
14 Ashtabula Restoration of Natural Resources
15
16
17

18
19 _____
COURT REPORTER

20 FINCUN-MANCINI COURT REPORTERS
21 1801 East Ninth Street
22 Suite 1720
23 Cleveland, Ohio 44114
24 (216) 696-2272
25 (216) 696-2275 FAX