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
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

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

MR. GRIPPI: Yes. Kevin Grippi, 941 Norwood Drive, Ashtabula, Ohio. I have two questions. Maybe I'll have more later on, but I'll start with two questions.

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

The second question is, it seems like the classifications between Alternative A and Alternative B are really locked in, very segregated. Is there any way that you could consider sort of commingling some of the projects and moving maybe something from Alternative A and Alternative B? Just seems like everything's really locked in. Those are my two questions for now.
MR. NAVARRE: I'll offer an initial response and others can add to it. On your first question, Mr. Grippi, about the distinction between the city and the township, right, and the location of projects? I mean, some of the properties that we've considered for the restoration opportunities are within the city limits. Others are just south of the city limits in the township, but all are in the Ashtabula River corridor. And our focus is not so much on a political geographic distinction so much as an ecological one. We're trying to develop projects that will benefit the Ashtabula River and the Ashtabula River corridor and the river watershed. And so it's primarily the damage from Fields Brook into the Ashtabula River, that concentration is where most of the damage occurred. And we're focused on projects that are in that vicinity that will help restore that watershed, regardless of whether it's in the city or the township.

MS. ABRAHAM: Just to add to that. Mark talked about geopolitical divisions, but what you have to remember, I think what I'd
like you to remember, that anything that we do by way of restoration of the Ashtabula watershed will ultimately benefit the city and township and everybody else. You will have ecotourism. You will have more dollars flowing in from economic benefits. So I'd like us to work together to bring the best value to the people of Ashtabula as a whole and not look at just township and city, but at the watershed as a whole.

Kevin had a second question.

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

For example, one of the organizations that we've worked with on the Brockway property with Fields Brook natural resource damage monies is the Ashtabula Township Park
Commission. When we acquired that property we
transferred it subject to an environmental
covenant to preserve it perpetuity, and now
the Township Parks Commission, represented
tonight by Mike Wayman, will manage that
property in perpetuity.

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

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

MR. NAVARRE: I don't know.

MR. GRIPPI: Just approximately.

MS. ABRAHAM: I don't think we can
answer that because we don't have a complete
understanding, a full list of all the
projects; we're still working through those.
And as those projects become known and become
available, we will put out an addenda. You
and everybody will know what we're doing. It
will be done in the public arena. But at this
point we really can't answer your question
honestly.
MR. WILLIAMS: But in the case of the Brockway property, even though that one is in --

MR. GRIFFI: It's not in the city.

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

MR. GRIFFI: It's not in the city of Ashtabula.

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

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

MR. WILLIAMS: There are others too.

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

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

MR. SMITH: I would be able to
answer that also. The Brockway property, if you go down there any given day, people walk from the city and all around that area down to that property and they go fishing all the time. Once that property is, if it gets rehabilitated even more to provide fishing access for people in the city limits right downtown, and in that whole area both on the city and township side who walk to those areas will be able to walk down there now and have fishing opportunities even more.

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

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

MR. NAVARRE: I'll try with that one too. I think one of the things that we have right now is there is somewhat of a plan between the two. By that I mean there are some human-use benefits associated with Alternative B projects. For example, Sig mentioned enhancing the Brockway property that was acquired with Fields Brook monies in terms of adding things like a boat launch and access
for recreational opportunities, as well as enhancing it's ecological property as a wetland. So it's not just an ecological benefit associated with improving the Brockway property project. It's also a human-use benefit associated with that too.

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

MR. GRIFF: May I ask a follow-up question?

MR. NAVARRE: Yes.

MR. GRIFF: Getting back to my city of Ashtabula limits. Can you tell the
group, what percentage of restoration activity is going on within the city of Ashtabula as opposed to outside of the corporate limits? I'm curious.

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

MR. GRIPPI: Clean-up activities.

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

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

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

And also, just to point out that in the no-action, if you've cleaned up the area nature tends to take some action, because your
restoration -- have you done some harm by clean-up? So are you restoring for that, not just the harm done from factories?

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

There's a component of that project which has not been done yet, which is in the planning stage, we hope to have it implemented before too long, to actually mitigate for injuries caused by the remedy itself, the clean-up itself. That would involve probably some form of creation of a new shallow fish habitat along the bank of the river within the remediation areas. Details of that haven't
been worked out yet, and how much money we'll have available hasn't been worked out yet. But it will be along the same lines as the kind of restoration projects the trustees are looking at for the settlement of the NRD claim, but they will be done as part of the Legacy Act as mitigation. It's really the same thing, mitigation and restoration, just under a different program. I don't know if I've answered all of your questions or not.

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

MR. NAVARRE: Mrs. Schmidt, there is a definite distinction between those two. And all of the work that's been done to date, with the exception of the Fields Brook natural resource damage settlement and the Brockway property, but all of the clean-up work, the dredging work that's been done to date has been remediation of the Ashtabula River or the damage caused. And so what we're engaged in now is the restoration component, the Natural Resource Damage Restoration component of that that follows. And it's necessary for that to
come after the fact. It has to be a two-stage process, otherwise we can't factor in all the damages, as a result of both the injury caused and the remediation work done, as Sig mentioned, the dredging of the harbor and the disposal of the contaminated soil.

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

MS. MARKWORTH: Question back there.

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

MR. DEVault: At this point we're looking at projects along the Ashtabula River proper.

MR. WILLIAMS: We're not
contemplating, at this time at least, any restoration or acquisitions outside of the Ashtabula watershed. The regulations don't require that, but it's always a preference to try to be as close to the actual injury as possible. And everything that we're considering at this time is within the actual river watershed.

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

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

MR. DEVault: One of our concerns all along supplied to the Fields Brook settlement also is actually trying to do restoration work in the area of Fields Brook that's been remediated, could cause more contaminate release problems. And it's just an area where we prefer to avoid if we can.
MR. WILLIAMS: We thought there were limited really opportunities to do restoration on Fields Brook itself, that's why the Brockway property is done as part of the Fields Brook NRD restoration. It was on the river rather than on the Fields Brook.

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

MS. ABRAHAM: No, we bought --

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

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

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

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

MS. MARKWORTH: Sir, could you state
your name and speak up a little bit?

MR. JOSEPH: Sure, Brett Joseph. My clarifying question has to do with how you're defining the relevant ecosystem, which you referred to starting the ecosystem functioning. Ecosystems can be defined according to various levels of scale, everything from the whole world to some microsystem within a garden patch or something like that. I'm just curious as to how -- is it the watershed? Is it the tributaries or just the main stem? What is the relevant ecosystem for purposes of preservation planning?

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

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

MS. ABRAHAM: Matthew maybe will be
able to help with some of this. But we were
looking at it as a watershed level. We're not
looking at the (indiscernible) just
watershed. Matthew, would you like to add to
that?

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

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

MR. CONTAGALLO: My name is Tony
Cantagallo. I am the City Manager for the
city of Ashtabula. I have a question. When
you conducted your settlement agreement in Fox
River, Wisconsin, I notice that you built a
2,156 square foot multipurpose building/marsh
overlook platform, five miles of trails, and
460-acre village park house and waterfowl
preserve on the shore of Green Bay in the
village of Howard. The multipurpose building will have an activity room for nature-related education exhibits and programs, small greenhouse and other areas needed for preserved management and upkeep. Is that Alternative C in Wisconsin or did it rise above of C?

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

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

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

MR. CANTAGALLO: My follow-up question --

MR. DEVAULT: I should point out that was a $60,000,000 partial settlement that was being worked with there, so we've got some
difference in scale.

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

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

MS. BAKAYZA: You know what, Mr. Cantagallo, I can tell you I don't know the exact amount of money, but I can tell you that we can respond to that. That's considered assessment costs, which is a separate category under any potential settlement, aside from the restoration. So the trustees would be recovering assessment costs and then there would be money that's recovered for restoration. And we do have
that information, but I don't have it off the
top of my head.

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

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

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

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

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

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

MS. BAKAYZA: We can specifically
respond to it.

MR. DEVAULT: I think it is
important to be clear that not only are we
recovering damages for the injuries to the
natural resources, we are also recovering
those assessment costs from the responsible
parties.

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

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

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

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

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

MS. ABRAHAM: One of the things as
trustees we're required to do is start this
process. The first thing we have to do is we have to prove that an injury occurred. And to prove that an injury occurred there are very specific regulations and we follow those regulations. And one of those things is you have to demonstrate in fish tissue that there is X, Y and Z, chemicals, different kinds of chemicals. You have to demonstrate that these specific things happened to the fish. And until we do all that we can't document that there was an actual injury. Once we document there's an injury, then we move through the process and say, okay, now what do we do to make that injury whole?

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

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

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

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

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

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

MR. WILLIAMS: No, it would not be necessarily correct. I mean, we pointed out throughout the presentation that we looked at
near-shore areas at the mouth of the river in both directions within the watershed, up the river. We have a preference for doing restoration work in areas where the injuries occur, but there are not always that many opportunities available right in the area where the principal injuries occur.

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

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

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

MS. MARKWORTH: We're going to go
ahead with this gentleman's question.

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

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

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

MR. NAVARRE: First question is will we listen?

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

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

MS. BAKAYZA: Kelly Bakayza.

AUDIENCE MEMBER: And from where?

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

AUDIENCE MEMBER: Is the Department of Justice still involved?

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

MS. BAKAYZA: Stage one was published in 1991.

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

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

AUDIENCE MEMBER: We couldn't fish, we couldn't swim, we couldn't do this and we couldn't do that.
MR. DEVault: I think between the two we're going to get a lot of that. I mean, contaminated sediments are not only an impaired use themselves, they also caused a lot of the other impaired uses. So that's been dealt with by the Legacy Act Project. We're going to go in and try to increase the biological productivity of the area by improving habitat, which is going to improve the fishery, reduce sedimentation. And so I think a lot of them, it's not 100%.

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

MR. DEVault: That's problematic, and that's one of the reasons we're looking at it from a watershed perspective, because, you
know, we're not going to build a wetland in Keester's Marina. So we're limited by space in that specific geographic area.

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

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

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

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

MR. DEVault: Our focus is the injuries. And I mean, the injuries that occurred were fish injuries, severely degraded fishery, degradation of habitat, degradation of benthos.

MS. FARBER: I'm Natalie Farber
with Ohio EPA. And I have worked with this community as the River Rap Coordinator. And there is six beneficial use impairments among 14 total possible, that there are six assigned to this area, as Dave was touching on. They're all related to the contaminated sediments pretty much. It involved fishery too, fish consumption and advisory, degradation of habitat, not only of the fish habitat, but also wildlife habitat. There's also reduced population of wildlife and fishery and degradation of benthos, or the bottom of the river bed. And, of course, there was the restriction of dredgings. So there's six of those.

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

MS. MARKWORTH: Sir, go ahead.

MR. GRISSI: Dave, you mentioned earlier that you'd be willing to look at the
project from the cost benefit. Within Alternative C, the walkway to the lighthouse would be eligible for transportation enhancement money for ODOT to pay up to 80% of the construction costs. Are there any examples of projects within Alternative B where you can leverage the trustees’ money for outside funds to make even better projects or bigger projects?

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

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

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

MS. ABRAHAM: Matthew, you have a comment?

MR. SMITH: I could say that if something came up with the project where there were monies available, maybe a grant was applied for, and then you can do that, then
you could use -- they could match a part of
that amount if they were looking at a project
and they said, "Listen, we want to go half and
half on this project, or we want to go 60/40,
depending on" -- I'm sure that could be
something that would be worked out.

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

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

MS. MARKWORTH: Sir, down here.

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

We don't want this to happen again, all
of us, I know. So why not delve into a little
bit more of the learning curve. We had a lot
of people come to town in the early days.
They obviously thought that it was easy to pour that stuff into the water and run it down to the river and put it in the lake and nobody's going to worry about it.

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

I can understand your specific use in most cases is about the fish. They were there drinking the water, creating the disease within their bodies because of that, but so were the people of Ashtabula. They were there drinking the water out of the lake that came down the river. They were the people that were involved in this.
So my feeling is, or my question I think in that respect is, why not give that a little bit more credibility on your Option C and possibly put it into the B? And along with that, because I'm involved in the lighthouse with the museum, we have an awful lot of individuals that come here that want to spend time at the lake, at the business of tourism, and we aren't hearing anything about the tourism; I hear a little bit of that.

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

The walkway out there with its present design gives a lot of walkway space to get
people out there. Once they're out there they can fish off of these little extentions off of that to be able to get to that. I didn't hear much about that, so if you could kind of comment on those two particular projects I would be interested to hear that.

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

And the second thing is, Dave talked about restoration projects. There are a number of restoration projects that could happen all along the length of the river. And we are trying to get the most that we can to benefit the people of Ashtabula, not just the city, but all of Ashtabula. And we're trying to put in wherever we can fishing access, trails, enhancements, small canoe launches. If there is something in the Ashtabula
Township Parks Commission that we can help enhance, we are working on all those things to improve access for the people of Ashtabula. But I want to be really clear, the cost of the projects as they were presented to us doesn't allow us to fully fund them.

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

MR. FRISBIE: I guess Mr. Grippi alluded to it, if there is another funding that we come up with, and there is a chance that you folks could give us the additional money to work on getting the major amount of
money, or something like this, is that within
your responsibility or within your area of
taking care of the projects?

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

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

MR. DEVAULT: Not exactly.

MS. ABRAHAM: We'd still have to
look at the benefit to the resources. We
still have to make sure the injured resources
are made whole to some extent. Then we try
and factor in whatever else is possible. It's
not something that we can promise because
we're in the middle of settlement
negotiations, that's why we have our lawyers here.

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

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

MR. NAVARRE: Right. Ultimately we have to decide how that money is spent. It's our obligation as the trustees to spend it on that limited frame work of restoring, replacing or acquiring the equivalent of the resources damaged. I think that's the frustration I'm sensing from some of you tonight, is that we don't have the latitude to spend natural resource damage monies on economic development projects or an educational project because we're limited to spending on a natural resource damage restoration project. Essentially the federal
statute requires us to limit how we spend that money to a natural resource damage restoration project.

In his presentation Sig mentioned that we're compensating for damage to the resource and also damage to the lost use of that resource to the public. So there is some flexibility in terms of considering a project such as the lighthouse breakwall project that would provide enhanced fishing opportunities. That's a link to compensating for the lost use of that fishery resource, but I think we're somewhat constrained by that. And if we reached a settlement that included nothing but restoring or improving the lighthouse, the access to the lighthouse and installing fishing peers, I think that would be contrary to the statute.

MR. FRISBIE: I can understand that.

MS. ABRAHAM: Can I just clarify one thing? We are here as trustee representatives. The actual trustees are the Director of the Ohio EPA and the Director of the Fish and Wildlife Service. So it's a
level much higher than us. They will make the ultimate decision; we just recommend. We're the grunts who do the work.

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

Then he get to the table between Alternative B and Alternative C. I'm just looking right down the line here at Alternative C, whether it will rehabilitate wetlands, flood plains, riparian or associated wetland habitat. No. Improve aquatic habitat and near-shore habitat. No. Provide for
enhancement of abundance and diversity of self-sustaining fish populations? No. Preservation of wetlands, flood plain, riparian and associated upland habitat. No. Then you get to the last point, improve outdoor recreational opportunities/enhance public awareness. Both of them say yes.

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

What are these human uses related to? I mean, other resources elsewhere? That's what I don't get. It seems that it's not indirect restoration, it's just a difference between actually restoring the resources versus compensating for human uses that were maybe lost by this generation. But this is a multigenerational problem in the make. I'm just wondering whether a pot of money to compensate -- to spend on certain projects that would benefit the public right now would necessarily provide the kind of lasting
restoration of the underlying resource functioning that is what ultimately sustains those human uses, including fishing access and so forth. So that's what I want to understand, is whether Alternative C actually meets the purposes of restoration.

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

MS. ABRAHAM: You said that very eloquently.

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

Go ahead, sir.

MR. SCHMIDT: Just a couple quick ones first. Phil Schmidt, I live in Geneva. My wife and I both enjoy the outdoors and nature and we're quite active in advocating
benefits for disabled and elderly people. But I'd just like to get a little better understanding of what's what here.

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

MS. ABRAHAM: Yes.

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

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

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

MR. DEVAULT: Frankly, no. And it's because the settlement here isn't going to be as large. The injuries weren't as great. The geographic area for Fox River included not only the Fox River, but all of Green Bay and a small portion of Lake Michigan. So you're talking about a huge
MR. SCHMIDT: Did they just negotiate a better settlement? Because when you talk about what we lost here, that Ashtabula River was filthy and it dumped out into the lake and people took the drinking water out of the lake. People around Fields Brook, we suffered a lot of serious health problems here. We lost our fishing rights. I tried to run a sailboat up the river and it went aground the first time I went around with it. We have big losses. And is there any dollar value yet established for this settlement for here?

MS. BAKAYZA: We're still in negotiations.

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

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

And I would like to see it be such that the elderly and the disabled, those people that went through years and years of the loss of those rivers are now old. They can't walk around; they can't canoe up the river. They can't get at it because you're not going to get public access to it. And they like to just go somewhere on a smooth surface that they can maybe walk, in a difficult way, but have easy access to it, go around in
wheelchairs, sit there and watch the sunset and watch the lake and listen to the waves. There's a lot of really good enjoyment you can get from just being able to have good access to the lakefront, see the sunsets and enjoy it.

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

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

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

MR. NAVARRE: I'll answer the first question because I'm with the Ohio EPA. The Ohio Attorney General's office represents us if we are not able to negotiate a settlement and went to court, the same way that the
Department of Justice would represent the Fish and Wildlife Service in court. So we're working with them as we continue to try to negotiate a settlement.

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

Now, hopefully this -- now that the dredging is completed, you've taken away the cause, things should improve.
MS. MARKWORTH: Go ahead, sir.

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

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

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

MR. HILL: Is it basically a
MR. DEVault: It's a compounded-interest calculation essentially.

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

MR. HILL: Yes.

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

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

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

MR. DEVault: 37 acres. It's just across from the hospital. It's 37 acres.
There's approximately a six-acre wetland on it. And Mr. Brockway would prefer that we call it the CVM property. He's concerned that people may think he sold his marina, which he hasn't.

AUDIENCE MEMBER: It's not public knowledge?

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

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

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

MR. BREWER: Can I ask one more question?

MS. MARKWORTH: Okay.

MR. BREWER: Rick Brewer, Painesville, Ohio. It seems to me by the way negotiations have taken place and the projects that you have chosen that you are near a
tentative settlement of some sort. And the public has no input at all, is that correct?

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

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

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

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

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

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

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

With respect to this, I think the second question that you said was, what Dave is trying to say is right now we are in settlement negotiations. There is no, quote, unquote, pot of money. We are negotiating to have restoration projects completed by the responsible parties. We don't know what's going to happen or what's going to transpire and we're actually in negotiations at this point. So I don't think that we're trying to
hide the ball, we just don't know where we are. We don't have a final settlement.

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

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

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

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

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

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

AUDIENCE MEMBER: Which means what?

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

AUDIENCE MEMBER: You must have some
idea of cost.

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

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

So we approached it differently. We approached it in terms of the amount of
acreage that we would require to be restored in order to compensate. That's in process. There is not a dollar figure attached to that; we're negotiating in terms of restored acres. That's why I can't give you an answer in dollars because I can't put a cost number on it for you. It's about trying to restore the damaged resource in terms of damaged habitat and acreage.

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

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

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

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

This designation of the Ashtabula River and Harbor and Great Lakes environmental Area
of Concern helped to spur on the work of the local Ashtabula River Remedial Action Plan Council. Under the threat of a Superfund the Ashtabula River Partnership 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. National resource restoration and protection is needed in order to delist the Ashtabula River from the IJC list of areas of concern.

Damages to the fish and wildlife populations and habitat in the Ashtabula River and Harbor have been documented and three 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 delist 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.

The Alternative C, I call human-use alternative, 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 and improved under Alternative C. This alternative will not help us remove the area of concern stigma from the Ashtabula River and Harbor.

Alternative B, habitat restoration and protections, will enhance and preserve riparian, flood plain and upland habitat; it will enhance, reestablish and preserve wetlands; 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 the 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.

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

MS. MARKWORTH: Sir, we can answer
afterwards. We're just taking the public
comments right now.

Next, Brett Joseph.

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

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

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

The context here is a multi-generational context, that's why I was speaking about my ancestors. We need to think as, say, the seventh generation down the line. We need to think ahead of the projects that are selected today. Are they going to depreciate? A restroom facility, how long is that going to last? Yeah, it will benefit people for a while, but restoring a river,
that's going to have a lasting impact, particularly when you talk about hydrological connectivity. It took a long time for the resource to get damaged and here's an opportunity, perhaps once, definitely once-in-a-generation opportunity, to restore these essential functions of the ecosystem.

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

And finally, just to use one further illustration, I think we often view compensation as being in lieu of the resource that was lost. Well, restoration, the whole concept restoration and the reason it's
written into law, is that when it's possible to restore, I mean, nature does heal, but sometimes it needs a little bit of assistance. And I urge you not to go with the prosthetic. I mean, if you lost a leg and you had the ability to regenerate that leg, we would all prefer to have the natural leg back rather than the prosthesis. Unfortunately we can't do that, but in nature, nature has an amazing regenerative capacity. It will never be perfect, it will never be exactly like it was, that's not what I'm saying.

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

MS. MARKWORTH: Bob Frisbie.

MR. FRISBIE: Bob Frisbie. I'd like to just let you know that I still believe that the human portion of it is being ignored to some extent, and that the learning
capabilities need to be given out to the youth and the future generations so that we don't have these problems again. And one of the ways we could do that would be this.

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

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

MS. MARKWORTH: Philip Schmidt.

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


MR. KEENAN: There's like an elephant in the living room I'd like to bring
up here. The most visible and ongoing environment impact is the Norfolk and Southern Coal Terminal. This company has blocked access to the lakefront wetlands. They've filled wetlands and built permanent structures on these areas. What else have they done? They are using these filled wetlands to claim status as an upland owner and lay claim to the lakeshore sand deposits. They continue with chronic coal dusty emissions.

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

MS. MARKWORTH: Mark Hanneman.
MR. HANNEMAN: Much of what I have to say has been said. Both Alternatives B and C have merit. Clearly I don't foresee any settlement option that's going to allow for
all. I look at it though, it's in chronological order. A, we've seen no action for a long time. B, we need to get these things done before we can actually pursue Alternative C. If you want people to fish you have to have fish. If you want to have fish in the harbor you have to provide a habitat for them. It's rather simple. Like you said, nature does take its course and will allow healing, but we do have to supply a little help. So that's all I have.

MS. MARKWORTH: Joe Santiana.

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

This area was a large industrial area at one time and everybody depended on it for jobs. Now the industry has left and left
their pollution behind. We don't have that much left here. We would like to see money, and I'm not speaking for everybody, we would like to see this money have the greatest impact to improve our area.

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

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

So our organization, and we talked to hundreds of other people, we all feel the same, we should have part -- the public and the elected politicians in Ashtabula County should have had a part in the negotiations for
this money. This shouldn't have been kept silent. I mean, as long as the money is going
to spent in this area, we want it to have the
greatest impact on this area, possible
impact.

And fishing access, that was one of the things that was destroyed when a lot of these industries came in here and things had to develop along the river at that time. Somebody had just spoke about it, there's no fish to catch. There are fish out there; they weren't going to come into a dirty river and swim upstream. Once the river is cleaned up, and over a period of time it will clean naturally up on its own, the fish will come back. But if you have no access to get there and fish, you are wasting your time with the money if people can't get to it. That's all I have to say.

MS. MARKWORTH: Mike Wayman.

MR. WAYMAN: My name is Mike Wayman. I'm currently the Chairman of the Ashtabula Park Commissioner. I'm also currently the Chairman of the Ashtabula River Watershed Steering Committee.
Part of the steering committee's mission and goal is to preserve the water quality, open space, the natural, recreational, agricultural and scenic resources of the Ashtabula River by uniting residents, landowners, businesses and communities in the stewardship and permanent protection of the Ashtabula River and Ashtabula River Watershed. So hopefully we're not sitting here 50 years from now having the same dialogue.

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

As part of the Ashtabula Township Park Commission I had offered, along with Indian Trails, many opportunities to help meet the goals set forth in the restoration plan. And we offer to help in any way to meet your goals. Thank you.
MS. MARKWORTH: Kevin Grippi.

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

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

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

MS. MARKWORTH: Scott Hill.

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

In northern Ohio the three counties with the highest area of property values, Medina, Lake and Geauga County, also have the
largest amount of green space. The economic
stimulus comes from having green space; it's
difficult to measure. But I will tell you
that the ten communities that have the highest
quality of living in our country all have very
active green space projects.

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

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

I'm just trying to point out that I
feel the method that was used to evaluate
these alternates was biased against
Alternative C and, therefore, it did not
fairly compare the two. The trustees I feel
should come up with a new approach that
recognizes that compensating the public for
the loss of their natural resources is just as
important and just as much deserving to be
done as it is to restore those resources.
That's not to say it's not important to
restore the resources, but it should also not
be lost; it's important. These are
essentially punitive damages that these
companies are paying at this point, while it's
to restore, to us, the losses that we incurred
for almost 50 years that they were making that
gerer so we couldn't really use it.

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

We also like our green space. A lot of
people living in Ashtabula County live here because they like living in an open area and not in an urban area, but it doesn't mean we don't value the opportunity to go down and enjoy either being by the lake or walking along the shore or seeing a sunset.

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

So anyway, I feel the approach that should be taken shouldn't simply be a table with yes or no answers, relating to prioritization factors that are biased to restoring natural resources. But it should be an approach that involves, A, weighted factors that represent, when you total them all up, both of these two objectives of compensating the public and restoring resources. When you
look at these weighted factors that you list on the left side of your table, they ought to be equally weighted for both of those things.

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

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

And last, I feel it's essential that that final approach you take provides equal money for both approaches. It is vitally important to the public in this area to keep the river in good shape. I don't think any of us question that at all; we don't want to see
that go away. But it's also very important for us to have access to that lake and to build up that resource so that our children and our grandparents will be able to go down there and fish and boat and go to an educational center and enjoy the beach and wildlife there. Thank you.

MR. BACON: (Via blue card)

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

MS. MARKWORTH: Does anybody else have a blue card they'd like to submit? I just want to remind you that the public-comment period is open until April 30th. At the bottom of your agenda there is contact information if you want to submit anything in
writing, any written comments or any supporting materials. If you do have additional questions, I invite you to come down and speak to the folks that are here tonight. They're here to talk to you and answer your questions. Thank you for coming.

(Hearing concluded.)

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

In Re:
Ashtabula Restoration of Natural Resources

[Signature]
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