



State of Ohio Environmental Protection Agency

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September 10, 2010

Board of Trustees
Munson Township, Geauga County
12210 Auburn Road
Chardon, OH 44024

Digital Copy via Email

Re: Fowler's Mill Water Resource Restoration Sponsorship Program Project
Water Pollution Control Loan Fund WR39-1636-0001

Dear Lady and Gentlemen:

We have completed a preliminary review of the plan entitled, "Fowler's Mill Chagrin River Restoration Plan - Revised September 2, 2010". We wish to commend you for your willingness and efforts thus far to develop a plan that addresses both the water quality improvement needs of this portion of the Chagrin River, and the concerns expressed by the public.

In our phone conversation on August 19, Ohio EPA agreed to provide an estimate of the time necessary receive and review completely the information required to provide a determination of the revised project's approvability. While your most recent submissions may not have been intended to provide a complete set of materials to support your application for assistance, we find that there are several important areas where additional information must be provided.

The issues listed below will need to be addressed in detail before we can determine whether the revised proposal is fundable.

- 1) A restoration / protection plan for the property that includes
 - specific descriptions and locations of all actions proposed to restore the stream corridor portions of the property, with costs based on a plan prepared by a stream restoration specialist;
 - a set of detailed drawings and specifications that will be used to construct the stream corridor restoration;

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

- corresponding plans, drawings, and specifications for the re-configuration of the golf course and golf course drainage, with costs;
- a description of the operation and management actions and accompanying costs to the Township for the restored area and to the owner of the golf course under the environmental covenant for the property;
- an identification of the property rights acquisition costs that is based on the appraisal identified under (2) below;
- a description of the actions necessary to restore the golf course to a natural area if and when it ceases operation, and the construction and on-going management costs to the Township for those actions under the environmental covenant for the property;
- a description of the results of a public meeting to be conducted by the Township where the Township describes the costs, environmental benefits, and any adverse environmental effects of the project; and
- a comprehensive detailed budget of the costs for the planning, design, construction, operation, and maintenance of the project, identifying items proposed to be paid for through Water Resource Restoration Sponsor Program (WRRSP) funding, and items to be paid for from other sources by other entities, including the Township and Fowler's Mill Golf Course, LLC.

2) An appraisal conducted by the Ohio EPA that identifies a valuation of the rights to limit uses of the property presently and in the future.

3) An evaluation of the effectiveness of the project, and in particular the stream corridor restoration, in meeting aquatic life use water quality standards and in qualifying for the priority rating that was assigned to the original project.

4) A demonstration that the project meets the criteria of ORC6111.036(Q), that the costs of the project are reasonable considering monetary and non-monetary factors, including project effectiveness and public acceptability.

5) An environmental impact assessment report for the project prepared by the Ohio EPA and distributed for a 30-day public review, followed by a response to the public comments and an environmental impact determination by the Ohio EPA .

6) A Sponsorship Agreement approved by the Ohio EPA, and executed by the Trustees and the Northeast Ohio Sewer District.

7) An environmental covenant executed by the Ohio EPA, the Trustees, and the holder of the covenant, which reflects the Ohio EPA's determinations of the elements of i) the restoration /

protection plan and ii) the award of assistance that require enforceable limitations regarding the use and maintenance of the property.

This list is not an exhaustive outline of the steps necessary for an approved application. Lack of agreement between the Township and the Ohio EPA regarding the terms or content of any of the application items would preclude an approval, so you can appreciate the need for close and regular negotiations throughout this process. This interaction will be time-consuming.

The schedule contained in your most recent submission differs from our timeline estimates primarily on one point: it assumes that Ohio EPA would make an award of assistance before several of the above actions had been accomplished. We believe that the work and agreements necessary to approve your application for this project must be accomplished before the award of assistance. Otherwise, our estimates of the time necessary to determine the approvability of your project are very similar to your schedule for completion of the planning tasks: March-June 2011.

Because information from this planning and design work is needed in order for Ohio EPA to determine fundability of the project, the project is clearly not fundable in the 2010 program year. For this reason, Ohio EPA has no other choice than to by-pass the project for funding this program year.

If Munson Township is further interested in pursuing funding through the WRRSP for the Fowler's Mill project, we encourage you to submit a nomination for the 2011 program year. We will release a request for nominations for 2011 later this year. If the Township decides to submit another nomination, we will want to meet with Township representatives, the Fowler's Mill ownership, and their consultants to develop a scope of work for planning and design of the project, as well as to discuss how costs for property rights and land acquisition will be determined.

Please contact Bob Monsarrat of my staff at (614) 644-3655 if you have any questions regarding this letter or need additional assistance.

Thank you again for your commitment to the water quality of the Chagrin River.

Sincerely,



Gregory H. Smith, Chief
Division of Environmental and Financial Assistance