



# Ohio Department of Natural Resources

TED STRICKLAND, GOVERNOR

SEAN D. LOGAN, DIRECTOR

October 8, 2010

Ms. Tammy Crabtree  
3470 Iddings Rd.  
West Milton, OH. 45383

Dear Ms. Crabtree:

I am responding to your August 31<sup>st</sup> response letter to our initial correspondence on the issue of the West Milton low head dam removal project on the Stillwater River. I appreciate your recognition that the staff of the Ohio Department of Natural Resources has been helpful in discussing the issue with you and addressing many of your, and your neighbors' concerns. We continue to agree with you that the Stillwater River is an exceptional asset to West Milton and those who enjoy its pristine waters. Like my last letter, I will walk through each of the issues you raise for the purpose of addressing each one individually and as comprehensively as possible.

### *Property Values*

With many of the dam removal projects in which we have been engaged in the past, the issue of devaluation of private property has been raised. Therefore, your concern over this matter is not uncommon. However, recent research conducted on this very subject of dam removal and its impact on adjacent property value indicates that property values are not necessarily affected by dam removal and quite possibly, property adjacent to a free-flowing river holds higher value than the same property that abuts an impounded section of a river. For your review and consideration, I have included two studies conducted on this subject.

If you recall, my first letter discussed fishing opportunities in the context that while there may be good fishing opportunities in the impounded section of the Stillwater River, removing the low head dam will foster higher quality fishing opportunities. This same reasoning can be applied to the property value question. After the dam is removed, there will still be a river flowing adjacent to your and your neighbors' properties. The river will simply be free-flowing and shallower than it is currently.

Additionally, unless stipulated otherwise in individual deeds, it is common in Ohio law that private land ownership extends to the submerged land under the river, from the shoreline (where water meets land) to the center of the river. Essentially, it is highly likely that landowners along the river own the land that is currently submerged under the impounded water. Once the dam is removed and the river runs shallower, shoreline property owners could very well gain useable acreage contiguous to the surface acreage they already enjoy. A shallower river with access to previously inundated land may provide different riverfront opportunities for landowners. A full review of one's deed is



recommended before an assumption about landowner ownership is made in order to avoid encroachment on another private landowner's or public property.

### ***Mud Flats***

The end goal of the low head dam removal is restoration of the river to its natural free flowing state and there will be a transitional period most likely to get the river fully restored to this state. Because the impounded section of the river has been under water for such a long time and the dam prevents silt and sediment from being washed downstream, there will likely be silt and sediment that must be conveyed downstream or dealt with in some other way as the dam is breached. We recommend that you consult with the Ohio River Foundation and the Village of West Milton to discuss and learn the details in how the riverbank will be restored.

Regarding your statements about vegetation removal for two miles on both sides of the scenic river; I think you are misunderstanding what the dam removal project will entail. I have no knowledge that clearing portions of the riparian forest is part of the plan and would doubt that it is. You are correct that shade on the water is important to the health of a stream and riparian forests definitely provide that. However, riparian forests also act as a filter and a sponge for runoff that may originate from agricultural, commercial or industrial areas located beyond those riparian forests. The benefit of riparian forests is multi-faceted and lies at the heart of the Scenic River Program. Since we support the removal of the low head dam, we are confident that this project will not jeopardize those benefits that riparian forests bring to the Stillwater River.

### ***Dam Safety/Public Safety***

Regarding warning signage or navigation buoys being installed upstream of the dam as it still stands is a recommendation ODNR makes to dam owners, but it is not a mandate that dam owners must comply with. Therefore, installation of safety features such as these would be up to the dam owner.

### ***Fishing Opportunities***

As managers of natural resources, the experts in our department must often make decisions on the current consensus of the contemporaries in their respective scientific disciplines, whether it be hydrology, geology, fish biology, stream ecology, or structural engineering. Our staff rely upon the agreed-upon practices of their colleagues to make management decisions and program decisions everyday that support the wise use and conservation of our natural resources. The very reason we enlist the best and most credible scientists is to keep Ohio at the forefront of protecting healthy ecosystems, both aquatic and terrestrial, supporting productive fisheries and continually improving, when and where we can, the quality of water, habitat and biodiversity.

As I illustrated in my initial response, removing on-stream dams provides, almost unequivocally, more benefits to fish populations, species biodiversity and water quality. While a specific fish study other than the Ohio Environmental Protection Agency's (OEPA) qualitative study has not been conducted on this impounded section of the Stillwater River, scientific consensus and case study indicates that fisheries become healthier, more vibrant and diverse once on-stream dams are removed. Removing the

dam allows fish to freely migrate up and downstream because a major impediment to their migration has been eliminated. Breaching the low head dam is a slow and controlled process which is not intended to inundate the downstream habitats and structures with a rush of water. In sum, we anticipate that spawning opportunities will not be diminished, nor will removing the dam cause fish to be lost.

### ***Boating Opportunities***

Much like the decisions regarding navigational and safety features in and around a dam, portage trails and recreational boating access at a river's edge is a decision that is initiated at the local level. Many factors such as cost, benefit to boaters, and availability of land upon which to construct these facilities/trails play into this development decision of local landowners and managers.

### ***Water Well Supply***

It is our understanding that the Miami Conservancy District has several monitoring devices on water wells in the area near the impoundment on the Stillwater River. The conservancy district would be the most appropriate entity with which residents and stakeholders to cooperate. The data that they have collected and most likely continue to collect will be useful to residents in determining impact to water well supply. But again, our hydrologists and experts in groundwater supply stand by their assessment that the risk for negative impact is very low.

### ***Invasive Plants***

The benefits that new riparian and upland areas might have as wildlife habitat would depend to a great extent on how they were restored and managed. If managed primarily for wildlife, the reservoirs could provide habitat for a variety of small mammals and songbirds, foraging opportunities for raptors, and high-quality winter range for deer. If managed strictly to re-establish plants on exposed surfaces, without concern for species type, no active management intervention may be needed. However, based on a study of vegetative colonization following several dam removals in Wisconsin, introduced species were a regular and often abundant component of the plant communities at the former reservoir sites. Because invasive plants are a concern to the property owners along the impounded area, active management of the floodplain following dam removal will minimize invasive species colonization and will be addressed in the engineering design plans.

### ***Hydroelectric Potential***

It is true that Ohio has instituted a renewable and advanced energy portfolio standard and that there are many financial incentive programs that have been funded at the state and federal level. But it's important to understand that the portfolio standard is a standard that must be achieved by electric companies that serve customers in Ohio and are therefore the entities that must buy electricity from alternative and advanced electricity producers, driving the energy economy.

The investment in clean, renewable or advanced energy generation must first make economic sense. Regardless of the viability of hydro-electric power generation on this low head dam, the dam owner, i.e., the Village of West Milton would need to be an

active participant in determining the economic viability of such an endeavor. It is my understanding that Tony Howard responded to this request in writing to you and we agree with the Village's assessment of this proposal.

In sum, I hope you have found this information helpful and we are willing to continue to work with you to address your concerns. In truth, however, this project has our support and I encourage you to feel free to engage the experienced individuals within ODNR that can answer your questions in greater detail. If you have follow up questions or points of clarification, please contact Trish Lanahan, Legislative Liaison, at [trish.lanahan@dnr.state.oh.us](mailto:trish.lanahan@dnr.state.oh.us) or (614) 265-6874. Again, thank you for your interest and advocacy.

Sincerely,



Sean D. Logan

Director

Ohio Department of Natural Resources

Cc: The Honorable George Voinovich, United States Senator  
The Honorable Ted Strickland, Governor of Ohio  
The Honorable Fred Strahorn, State Senator  
The Honorable Richard Adams, State Representative  
Chris Korleski, Director, Ohio Environmental Protection Agency  
Hugh Trimble, Division of Surface Water, Ohio Environmental Protection Agency  
Tony Howard, Village Manager, Village of West Milton  
Rich Cogen, Ohio River Foundation  
Joe Haller