

## Common Questions Concerning the Mill Creek Waterway Improvement

(11.03.23)

### County Petition Ditch Drainage Improvement:

*(As described in the Ohio Revised Code 6131.01) Is an improvement that includes the location, construction, re-construction, reconditioning, widening, deepening, of any change in the course, location, or terminus of any ditch, drain, watercourse, or floodway. The deepening, widening, or straightening or any change in the course, or terminus of a river, creek, or run. The removal of obstructions such as silt bars, log jams, debris, and drift from any ditch, drain, watercourse, floodway, river, creek, or run. This project will have two phases: Phase One-Construction, Phase Two: Maintenance. Construction Costs for both the County and City of Marysville portions will be paid by the County Commissioner's and City of Marysville using ARPA (American Rescue Plan Act) funds (No Assessment to property owners for the Construction Phase of project).*

### What is the proposed scope of this Project?

The proposed work will be limited to the removal of logjams, leaning and dead trees within the confines of the channel of Mill Creek. The upstream end of the project would begin at the Logan County line and proceed in a south-easterly direction through the City of Marysville and end at the Delaware County line. The total length of the Mill Creek logjam and debris removal project is 33.02 miles.

### What work is being proposed?

The plan is to remove the existing logjams, debris, dead and leaning trees along the banks of Mill Creek. There will be no channel excavating, straightening, deepening, widening, or clearing of the riparian area along the banks of Mill Creek. It is expected that all equipment will stay at or along the banks or berms of Mill Creek.

### Have the specifications for the proposed work on the Mill Creek been used on similar projects?

Very similar plans and specifications that is anticipated for the proposed work on the Mill Creek Waterway Improvement project have already been used and approved on prior stream logjam projects in both Auglaize and Seneca Counties.

### How many acres drain into Mill Creek and how many Parcels are involved within this Project?

The watershed area of Mill Creek for the proposed logjam removal project includes a total of 63,816 acres (Union County). In addition, there are 12,614 parcels the within Union County Mill Creek watershed (11,623 benefitted parcels); and 8,452 parcels are within the City of Marysville and there are 299 parcels that front/ border Mill Creek.

### What is the project Cost estimate?

The initial phase (construction) of the proposed logjam removal work on the 33.02 miles of Mill Creek has been estimated between \$1.7 to \$2.3 million.

### How will the proposed assessment for the Mill Creek project be determined?

There will not be a charge or assessment to property owners for the construction phase of the Mill Creek Logjam Project. The construction phase of the project will be paid by the Union County Commissioners by using ARPA (American Rescue Plan Act) Funds. Also, a permanent maintenance account for the future removal of logjams, debris and leaning trees will need to be created. It is estimated that 10% (Construction) of the Bid Award will initially be collected from all residents within the unincorporated Mill Creek watershed areas to create and maintain a permanent maintenance fund. The City of Marysville currently collects a stormwater maintenance fee tax from city residents and will use this collected fee to pay the City's portion of their maintenance and construction.

What does a maintenance plan include? After the original construction work for the removal of logjams, debris, and leaning trees has been completed, any future logjams or leaning trees will be removed on an annual or bi-annual basis. This maintenance work will be managed by the Union County Soil and Water Conservation District (SWCD).

How are future maintenance charges determined? Initially, it is estimated that 10% of the Bid Award will need to be collected from all residents within the Mill Creek watershed (unincorporated areas) to create and maintain a permanent maintenance fund. The maintenance fee would be collected through your property tax bill. The specific share/cost per parcel would be determined as the project moves through the hearing/ bidding process.

The account balance of the maintenance fund will be analyzed annually and if there are adequate funds remaining for the upcoming year's work then no maintenance assessments are collected. Whenever the maintenance fund is about to run into a deficit, the SWCD and the County Engineer will report their findings to the County Commissioners. The County Commissioners will then determine what maintenance collection is required, if any. If a maintenance assessment is required, then that assessment would appear on the tax duplicate as a "special assessment". The Ohio Revised Code mandates that the minimum assessment is \$2.00 per parcel.

Will this section of Mill Creek ever have to be petitioned again? No. The Ohio Revised Code will mandate that permanent maintenance will be performed on Mill Creek so that the existence of logjams, debris, and leaning trees will not be allowed to cause an extended obstruction to the free-flowing stream.

What will the maintenance funds be used for? The funds from a permanent maintenance account can only be used for removal of logjams, debris, and leaning trees. The funds cannot be used for aesthetic purposes, nature trails, etc...

Will permanent easements and temporary easements be required as part of the Mill Creek Logjam Project? Yes. The width of the permanent easement shall be twenty-five (25) feet from the top of the bank or to a point 25 feet outside the tree line adjacent to the channel and along both sides of the channel. The easement may be extended by the Engineer when in his opinion an emergency exists. Any temporary extension of the easement is subject to approval by the Board of County Commissioners. *These easements are for the purposes of the Mill Creek Waterway Improvement project and cannot be used for any other purpose than the Mill Creek Logjam project.*

Temporary Easements for Construction Purposes: The disposal area and temporary construction easement shall be measured from the top of the bank to a point 75 feet beyond the existing tree line and on both

sides of the channel. Construction easements in this area will be handled by the Engineer on a case-by-case basis. Cooperation with landowners in these areas will be helpful to assist with access.

Can the public use the maintenance easement areas along Mill Creek? No. The maintenance easement is to be used for the purpose of performing maintenance and inspection of the stream. The easement is for County Commissioners and cannot be used for public utilities.

Damages: Every effort will be made to limit any damage to adjacent properties. No land will be taken to widen or straighten the channel throughout the project. Therefore, no permanent damage is anticipated.

Based upon restrictions set forth by the Army Corps of Engineers, the work will be generally done through single points of access to the specific work areas to limit disturbance to environmental areas. To avoid clearing of the stream banks, it will be necessary to gain access to work areas across the temporary easement.

There will be no (expected) permanent damage to lands within the temporary or permanent construction easement. There will be no crop damage paid in the temporary easement area during the initial construction of this project.

If it becomes necessary to enter upon cropland outside the limits of the temporary construction easement, owners may be granted crop damages equal to the market value of those crops.

If it is necessary to remove fences, poles or wires lines, the cost repairing, removing, or replacing these items shall be included in the cost of the project and completed at the time of construction. Upon completion of the work, all field drives will be restored to their original condition, if damaged due to the construction. This restoration shall be a cost to the project. Whenever possible, all valuable trees along the access area will be avoided. All cut trees and logjam debris placed outside of the tree line shall be the ownership of the property owner unless written permission is given to the contractor by the property owner.

Will seeding be done as part of this Project?

All disturbed areas shall be reseeded as necessary. Seeding shall be performed in stages and follow closely with any finished grading of the spoils and work areas. The Contractor will maintain seeded areas until final acceptance.

What is the anticipated Completion of the project?

The Contractor will likely be required to complete this project within **18-24 months** of the signing of the contract, weather permitting.

How will the contractor be able to access Mill Creek?

Access points from the roadway will be on a case-by-case basis and property owner cooperation will be needed to develop the necessary maintenance corridors to Mill Creek.

What will be done with the removed trees?

Most of the removed trees and debris will be secured alongside Mill Creek (parallel with stream) at the back side of the tree line. In select areas, the contractor may need to grind the material for disposal, or haul away the excess trees. This will be dependent on the site conditions and costs.

Can the public kayak or canoe on Mill Creek after the project is done?

Yes, the public can use Mill Creek now, Mill Creek is public a waterway. However, anyone using Mill Creek is not permitted to trespass along the existing bank areas, as that is considered private property.

What will be done with Beaver and Beaver dams that are encountered in Mill Creek?

The construction phase of the project will remove logjams, debris, leaning, dead trees and this will include the removal of beaver dams. After the initial construction phase has been completed, the maintenance phase will be performed. As part of the maintenance phase of the project, beaver dams may be removed, as necessary. No beaver will be removed during either phase, just beaver dams.

Will the Mill Creek Logjam Project affect Farm Conservation Easements?

No, any disturbance or damage that is done by the logjam and debris removal project will be restored by the contractor. In addition, the Soil and Water Conservation District will be responsible for the inspection of our project, and they also inspect the conservation easements.

Will adjoining property owners of the Mill Creek Watershed Improvement Project will be responsible for maintenance fees?

No, all benefited property owners in the Mill Creek watershed will be responsible to pay maintenance fees (11,623 Benefited Parcels).

Why didn't the Mill Creek Improvement Project happen 5 or 10 years ago?

The residents in the Mill Creek watershed are fortunate that the project didn't begin earlier because ARPA funds weren't available until 2021/2022 and these funds are expected to pay for the county and city portion of the initial phase (construction) of Mill Creek Improvement Project. If ARPA funds weren't available, this cost would be the responsibility of the benefited parcels owners in the Mill Creek Watershed (1.7-2.3 Million estimated).