

## Frequently Asked Questions (FAQ) Sheet

# TENMILE CREEK WATERSHED IMPROVEMENT PROJECT

### **1. Am I being assessed now?**

No. Please read on for more information.

### **2. Why did I get a notice in the mail?**

You have been identified as a benefitting landowner in the petition filed by the Spencer Township for the proposed improvements to the Tenmile Creek Watershed. The petition includes the main stem of Tenmile Creek and the Ottawa River as well as selected tributaries. Maps which identify the area benefitting from the proposed improvement as well as the tributaries identified in the petition for maintenance are located on the project website located at <https://co.lucas.oh.us/3456/Drainage-Petitions>.

### **3. Why petition the project?**

Drainage infrastructure (creeks, ditches, ponds, streams, rivers, etc.) within Ohio, located on private property, are the responsibility of adjacent private landowners. The petition ditch process allows Lucas and Fulton Counties to expend public funds for continued/long-term maintenance of private creeks and ditches which provide a public benefit. Without a petition, creek and ditch maintenance would remain the responsibility of the adjacent landowners.

Over the last decade, due to the impacts of the emerald ash borer, private landowners and local governments have needed to clear significant log jams on the main stem of Tenmile Creek and the Ottawa River due to dead and fallen ash and other trees. Left untreated, log jams have a significant impact on flooding properties along the water course and in tributaries (smaller ditches or creeks that flow into Tenmile Creek and the Ottawa River) as well as provide a significant source of erosion which can lead to greater amounts of pollutants into the Tenmile Creek, the Ottawa River, and Lake Erie.

In addition, the tributaries have experienced significant log jams as well as well as levels of sedimentation and brush impeding flow. In many locations, tributaries have lost about half their capacity due to sedimentation of as much as 2 1/2 feet from their original bottom elevation. This has also led to significant flooding and standing water and lack of drainage in the watershed.

#### **4. What is the purpose of the View?**

The View is the opportunity for the Joint Board of the Lucas County and Fulton County Commissioners (Joint Board of Commissioners) to view the existing condition of the watercourses (e.g., creeks and ditches) and to allow the public to voice comments or concerns regarding existing conditions of the ditches.

After the view, the Lucas and Fulton County Engineer's Offices will prepare a preliminary report which includes a preliminary design and cost estimate, comments on the feasibility of the project, and an opinion as to whether the benefits of the improvement are likely to exceed the preliminary costs.

#### **5. What is the purpose of the First Hearing?**

At the first hearing, the Joint Board of Commissioners hear the preliminary report of the Lucas and Fulton County Engineers, and review any evidence offered by benefitting landowners. At the First Hearing, the Joint Board of Commissioners may approve the petition if they find that the improvement is necessary, conducive to public welfare, and they are reasonably certain that the costs are less than the benefits.

#### **6. I do not live directly on a ditch in the proposed maintenance area, why am I considered a benefitting landowner?**

The Ohio Petition Law considers all land owners in the watershed (i.e., drainage area) of a ditch improvement as *benefitting* from the improvement or future improvement.

If you are receiving this letter, a property identified as yours is located within the Tenmile Creek drainage area and benefits from the stormwater drainage capacity provided by the associated ditches. For maps of the Tenmile Creek drainage area in Lucas and Fulton Counties, please visit the Ditch Petition Information Section on the Lucas County Engineer's website at <https://www.co.lucas.oh.us/3456/Drainage-Petitions>.

#### **7. How do I request that a ditch be added to the petition that is not currently shown on the maps provided on the project website?**

Any benefitting property owner within the petition watershed that desires to have a ditch added to the petition must make a formal request that describes the name, location, and length of the ditch to the Lucas County Engineer prior to the date of the First Hearing. It is desired that the entire length of the ditch be requested to be added to the petition. The Commissioners will consider the amendments to the petition at the First Hearing.

**8. What is proposed to be improved as a result of this petition?**

The associated ditches within the drainage area are proposed to be placed under permanent maintenance. This means that Lucas and Fulton County will review the condition of the ditches on a routine basis and may perform maintenance work on the ditches from time to time to keep them functioning and in good working order.

**9. Is there any possibility of being assessed for maintenance of ditches within the drainage area?**

Should it be determined by the Lucas and Fulton County Engineer's Offices, that maintenance work is required for any ditch/ditches included within this petition, the Lucas and Fulton County Engineers will request an assessment from all benefiting landowners, including all state, county, and township property, in order to perform said maintenance work the following year. Property owners will be assessed for maintenance costs to assure the ditch/ditches remain in good working condition. Based on similar types of projects and the number of benefitting landowners in the watershed, it is anticipated assessments may range from \$10 to \$20 on a yearly basis for a typical residential property. The actual amount of the assessment is determined by the proportion of the property's maintenance base to the total maintenance base amount multiplied by the cost of work required to be done.

Depending on the type of maintenance required, current policy does provide for the Lucas County Stormwater Utility to pay assessment costs, on behalf of those properties within the Lucas County Stormwater Utility area, for select permanent maintenance projects once they are complete. This is determined on a case by case basis, and can only occur on maintenance projects that reduce discharge of sediment & pollutants from storm water runoff.

In addition, benefitting owners who live in a municipality may have their assessments assumed and paid by their municipality as a result of a municipalities home rule powers. Discussions with municipalities on whether they will choose to assume the assessments will be performed and concluded prior to the Final Hearing.

**10. What comes after the First Hearing?**

If the Commissioners approve the petition at the First Hearing, the Lucas and Fulton County Engineers will evaluate the condition of the ditches in the petition and develop a 6-year maintenance plan that will identify projects to be performed during that period, including a cost estimate for the work to be performed. In

addition, the Engineers will calculate the maintenance basis as well as any damages to property owners as a result of the petition. At this point, the Joint Board of Commissioners will hold a Final Hearing to reconsider their decision made at the First Hearing, based on the detailed information presented by the Lucas and Fulton County Engineers as well as any testimony provided by benefitting land owners. At this time, if the Joint Board approves the petition at the First Hearing, it is anticipated the Final Hearings will take place in late 2023 or in 2024.

**11. What work do you anticipate to be performed if the petition is approved?**

Work will likely include but not limited to the following:

- Removal of log jams and leaning trees
- Bank erosion protection in selected areas
- Removal of accumulated sediments in channels
- Development of a 10' buffer strip in agricultural areas
- Development and implementation of two-stage channels with vegetated floodplain benches to increase capacity of existing drainage infrastructure

**12. Can a landowner do their own work in maintaining the ditch?**

A benefitting landowner whose property is on a petitioned ditch may perform the maintenance work on their property. They would need to inform the County Engineer by May 1 of each year informing them of the work that is proposed to be performed. The Engineer will subsequently work with the landowner on the scope and extend of the work required and inspect the work at the end of performance. If the work was performed as required, the landowner will be credited for the cost of the work against any assessment.