



The Big Love Network believes that it is in the best interest of Akron City Council and its constituents to post-pone the sale of the White Pond Development until there are answers to all our concerns, a full environmental assesment done (detailed below), and a participatory planning process applied to the discussed parcels. Below you will find a list of our questions and concerns that have arisen during the analysis of the documentation provided to us from the City of Akron, the Pigeon Creek NIP-SIS Plan, and the PAS Report 595: A Planner's Guide to Meeting Facilitation.

ENVIRONMENTAL CONCERNS

The White Pond project impacts the beneficial use impairments, mainly bui 14a (fish habitat), bui 6 (macroinvertebrates), bui 3a (fish population) as concerned by OEPA.

Wetland peat has 40% more retention with stagnation, is a sponge and peat filters out of pollutants and will not have same retention after development and removal of the peat ecosystem.

A recommended 120ft buffer of wetlands is what is proposed in local riparian set back ordinances for wetlands that Akron has yet to adopt.

According to the City of Akron's wetland mitigation credit agreement, there is to be a new environmental assesment due to be done by Dec 2023.

The Big Love Network recommends Akron City Council to delay the sale of the property until a full site environmental assesment including ORAM, VIBI, AmphIBI, with a species list and bird habitat assesment including bat and other species of interest occurs. The Big Love Network also requests that the land be made accessible to the appropriate scientists to undergo these studies.

Below are the highlights of the Pigeon Creek NIP-SIS Plan that The City of Akron agreed upon in April of 2019 and should have been made accessible to Akron City Council. The Big Love



Network's findings within this document shows that this development directly goes against the Pigeon Creek NIP-SIS Plan:

The Ohio EPA 2016 Integrated Assessment Report estimates Pigeon Creek's historic wetland presence at 24.21% of the HUC-12 and a current wetland presence of 3.46%, which is an over 85% loss of wetlands within the HUC-12. Page 19 Pigeon Creek NIP-SIS Plan

Habitat improvements can significantly mitigate the harmful effects of nutrients on the biological community; therefore, the 2009 TMDL stressed the importance of habitat and other factors in addition to in-stream nutrient concentrations as having an impact on the health of biologic communities. PG 26 Pigeon Creek NIP-SIS Plan

The Pigeon Creek HUC-14 (same land area as its HUC-12 land area) had TMDLs prepared for nutrients, habitat, sediment, and bacteria as a result of this early monitoring. The 2009 TMDL report also notes that Pigeon Creek and Schocalog Run met the water quality standards for recreational use, but a 2017 assessment for recreational use was performed by Ohio EPA in the Pigeon Creek HUC-12 which designated the watershed as impaired for Primary Contact Recreation. Page 21 Pigeon Creek NIP-SIS Plan

MWH use. The "Fair" range describes absence or low abundance of expected fish species for typical WWH assemblages, and declining species richness and an increase in tolerant species in the assemblage (Ohio EPA, 1981). 2017 sampling data indicates a slight decline in fish assemblage integrity at the RM 4.7 location with an IBI score of 24 (previously 28), indicating further stressors to the fish community despite the presence of significantly higher quality stream habitat. These stressors may be from nutrient or bacterial inputs to the stream and stress the need for nutrient management and runoff reduction. Page 24 Pigeon Creek NIP-SIS Plan

The Pigeon Creek sampling location at RM 4.7 and the Schocalog Run sampling location rated an invertebrate narrative of Low Fair and Poor, respectively, indicating low numbers or complete absence of sensitive or intermediate taxa and a community composed primarily of tolerant taxa with low diversity. These scores are likely due to channelization, removal of riparian cover, and



nutrient/sediment inputs from land disturbance and suburbanization in the watershed. The 2017 monitoring data do not include ICI scores or narrative descriptions for any of the locations except for the Pigeon Creek at RM 0.64 location, which shows a moderate improvement in macroinvertebrate assemblages with a score of 28 (previously 26), which correlates with the increase in stream habitat quality and fish assemblage quality and indicates this location may be progressing towards attainment of MWH use if nutrient and sediment loading can be reduced or in-stream habitat can be improved. PG 25 Pigeon Creek NIP-SIS Plan

Channelization (straightening or relocating streams), urbanization (increasing impervious surfaces leading to stream erosion) and removing riparian vegetation have led to significant habitat impacts in the Pigeon Creek HUC-12. Poor habitat quality is an environmental condition, rather than a pollutant load, and the 2009 TMDL uses QHEI as its metric for habitat quality assessment. PG 27 Pigeon Creek NIP-SIS Plan

Implementation objectives for this overarching goal for all the Pigeon Creek HUC-12 watershed include:

- Nutrient load and sediment reduction – riparian setbacks, remove/replace failing septic systems, riparian buffer restoration
- Stream and wetland assimilation – wetland treatment trains, wetland conservation planning, streambank stabilization and stream/riparian restoration. These practices, once installed, should incrementally assist the Pigeon Creek watershed towards restoring attainment. The first iteration of the Pigeon Creek HUC-12 NPS-IS will address Critical Area 1, Schocalog Run and Pigeon Creek to its confluence with Schocalog Run, as priority projects. Subsequent critical areas with descriptions, characterizations, and projects are being refined and developed for further updates to the NPS-IS. PG 32 Pigeon Creek NIP-SIS Plan

3.2.1 Detailed Characterization Figure 21: Critical Area 1: Schocalog Run and Pigeon Creek to its confluence with Schocalog Run. This critical area comprises the headwaters of Pigeon Creek to its confluence with Schocalog Run and the Schocalog Run catchment. Schocalog Run is a 5-mile-long major tributary to Pigeon Creek with its confluence at RM 2.97. This critical area is characterized by urban/suburban development, channelization, poor water quality, flooding, lack of instream habitat, excess nutrient loading/concentrations and poor riparian zone. Schocalog



Run was listed at non-attainment for aquatic life use and Pigeon Creek in this stretch was listed as partially attaining its aquatic use in the 2009 TMDL Report.

3.2 Critical Area 1: Conditions, Goals & Objectives

3.2.1 Detailed Characterization

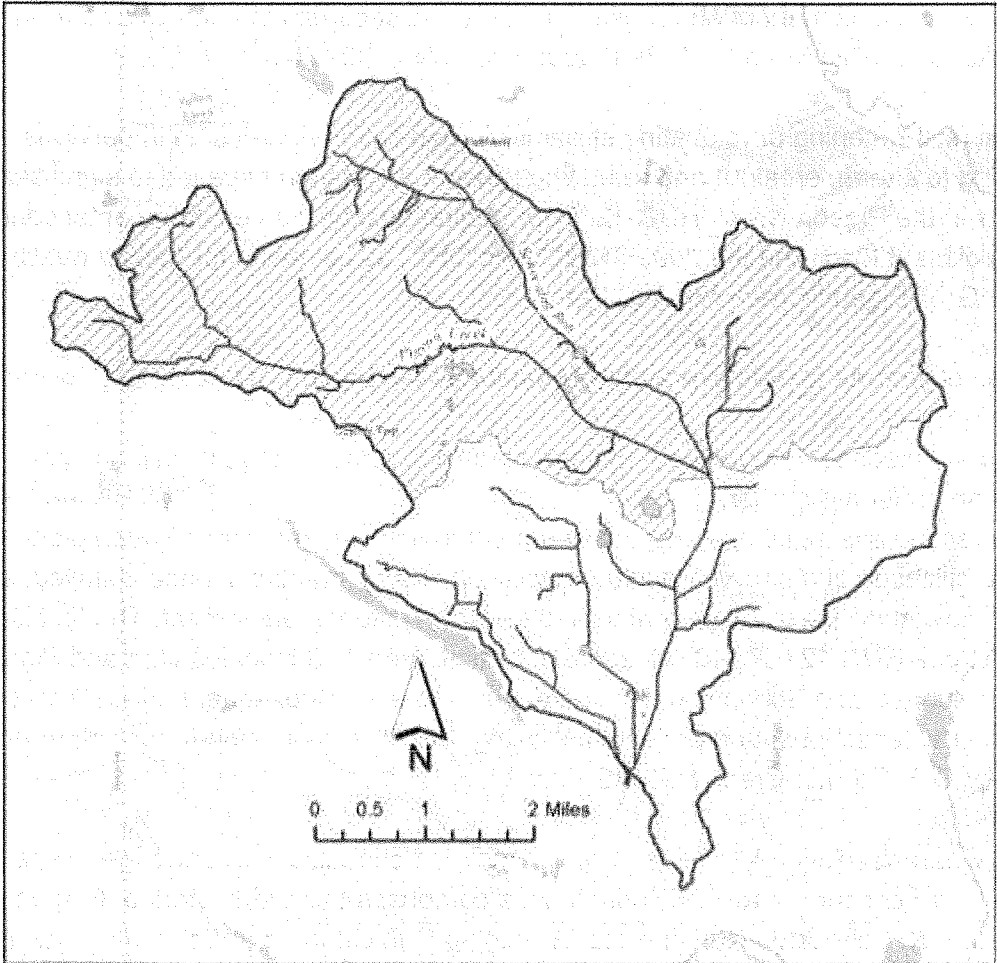


Figure 21: Critical Area 1: Schocalog Run and Pigeon Creek to its confluence with Schocalog Run.



LIABILITY CONCERNS

Wetland Mitigation Legal Obligations (Section 404 CWA)

Due to the wetland mitigation credit agreement, all fill and removal of soil from the site must adhere to the Clean Water Act section 404. Within that section, subsection H1G reads, "To abate violations of the permit program, including civil and criminal penalties and other ways and means of enforcement," raises the question if City Council is legally liable for the developers coresponsibility with Section 404 of the CWA, which also includes subsection H1C (when the developer goes to add fill, as they will be required to do, to create an incased storm water system. They would be required to "assure that the public, and any other state which the waters may be effected, receive notice of each application of permit to provide opportunity for public hearing before ruling on each such application.")

PROCESS CONCERNS

Community Engagement

It is possible to get community engagement in development processes from the beginning of a project, instead of the very end. Despite the Mayor's words, there cannot be too much outreach with the community. There have been many questions around the failure of the city to contact and make aware the neighbors of this project. In addition to this, the City operates in a 19th century mindset of print ads in a paper with dwindling reach into the community, while virtually ignoring social media, and the digital existence of people. The people have been asking to slow this process down to get the appropriate studies and answers, and there is no reasonable reason for this process to be sped up and the public voice curtailed.



Participatory Planning Practices

The meeting last Tuesday was a healthy start for what processes could look like for this project as well as future projects. There are many examples of facilitation and engagement processes in this city, and there is no reasonable reason to ignore the options and experience in our city. Honestly, there may be much better use of this land, beyond what the public has already mentioned, and time should be taken to find out if there is a use more in line with the will of the neighbors and the people of Akron. We would like to reference the document PAS Report 595: A Planner's Guide to Meeting Facilitation. This document outlines many key practices that planners across the country should be aware of, and should use in this and all future processes.

Transparency

Again and again, the administration refuses to present information until they are forced to. Pertinent information is often withheld from council and the public. When the Mayor has pushed untruths in print and public, trust continues to be eroded in the public's mind.

Democracy

Elected officials are elected to represent their constituents, not to ignore them, as stated by the Mayor. We have serious concerns with a mayor who announces publicly that he doesn't have any interest in listening to, engaging with, or understanding the people of Akron. We also have serious concerns about any public official that uses their position to verbally abuse, denigrate, bully, or otherwise intimidate other officials or citizens.

The Big Love Network has formally issued its concerns with Akron City Council about the proposed development on the White Pond property as of Dec 5th, 2022.

