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January 29, 2021

The Honorable Jeff Fusco
President, Akron City Council
166 South High Street, 3rd floor
Akron, OH 44308

Re: Mineral Rights Sale in LaDue Watershed

Dear Councilman Fusco:

Since 2012, Friends of the Crooked River has participated as a member of the Integrated Plan Stakeholder Group to update the City's sewer system and implement its combined sewer overflow abatement strategy. We have been supportive of that effort. In addition, we have been gratified by Akron's establishment of Akron Waterways Renewed and its emphasis on water quality outcomes and community engagement. We are fully appreciative of the City's massive financial investment in court-ordered upgrades and its efforts to reduce costs through adaptive engineering and the creative use of progressive measures like green infrastructure. As future proposals advance water quality, we will continue to support the City in these difficult efforts.

In addition, we welcome the City's leadership role in removing the Gorge Dam, the greatest unresolved water quality issue on the Cuyahoga River. The City has been a proactive partner in the Local Stakeholder Group. In particular, the City has received a grant from the Great Lakes Restoration Initiative to complete an engineering study for the deconstruction of the dam.

However, we strongly oppose the selling of mineral rights on a portion of the LaDue watershed in the upper river. This seems to us to be a departure from the City's philosophy and its financial investment in water quality. The role that the vital wetlands and riparian resources that Akron owns in the upper watershed cannot be overstated, not only as a protection to the City's drinking water supply but also in their value to the overall water quality of the river.

We are concerned for site-specific threats of this sale. Despite the City's well-intentioned protective measure of disallowing any surface activities on its property, we see the potential for contamination not just from drilling on adjacent property but also from potential spills of the unknown contaminants in fracking liquid, from spills related to brine, and from piping the products themselves.

Above and beyond the site-specific issues, we are most concerned about the precedent that this sale establishes. As stated above, the collective value in water protection provided by properties owned by the City in the upper watershed is irreplaceable. Without that protection, improvements in water quality downstream may be negated. The City's upper watershed properties have regional, watershed-wide importance.

Over the years, ecologists, wetland scientists, ichthyologists, and entomologists we have known have stated that the protection of these properties is absolutely central to the collective effort to restore the Cuyahoga River. The citizens of the entire watershed are indebted to the City for its stewardship of these lands and their water quality benefits that we all experience. We believe that the preservation of these properties is critical to sustain water quality throughout the river and protect the investment made by the City and by all Cuyahoga water quality interests. The highest value of the wetlands and riparian properties in the upper watershed, for us and for future generations, is to preserve them for their ecological and hydrological benefits, particularly in light of development pressures there.

We understand that the City and its water and sewer ratepayers face a financial burden from financing their sewer correction. However, lands in the upper watershed have other financial value than what might be realized by environmentally compromising practices like fracking. Conservation easements, or sale with conservation protections, are examples. Also, wind and solar energy applications are vastly superior to resource-intensive methods like oil and gas extraction—and these technologies are improving every year. We would be willing partners in supporting these types of efforts.

We urge the City to reconsider its intention to sell mineral rights for fracking purposes in LaDue watershed. We believe this has the potential to impact the integrity of the drinking water resource; that it has the potential to negate water quality advances made at great expense to the City and to the region; and that it sets a precedent for obtaining income from selling interests in the upper watershed that may not be compatible with best protective water quality management.

This letter was reviewed, amended, and approved by a vote of the Board of Trustees on Friday, January 29, 2021.

Sincerely,



Jacki Zevenbergen

Vice-President

Friends of the Crooked River

Cc: Daniel Horrigan, Mayor
Chris Ludle, Director of Public Service