



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

June 1, 2018

Colonel Antoinette R. Gant
U.S. Army Corps of Engineers
Louisville District Commander
P.O. Box 59
Louisville, KY 40201-0059

**VIA REGULAR U.S. MAIL AND
ELECTRONIC MAIL TO:**
Rhiannon Ryan, Executive Liaison
Rhiannon.L.Ryan@usace.army.mil

Dear Colonel Gant:

Thank you for your willingness to continue our ongoing discussions regarding the recent increase in operation and maintenance costs assessed for the Caesar Creek Project by the Corps last year and this year. This letter is in regard to the Contract for water-storage space in the Caesar Creek Reservoir entered into by the United States Army Corps of Engineers ("the Corps") and the Ohio Department of Natural Resources ("ODNR") on January 15, 1970. A copy of the Contract is enclosed for your convenience. Through the Contract's provisions, ODNR seeks to review records kept by the Corps concerning the Caesar Creek Project.

Specifically, ODNR seeks the records of the cost of operation and maintenance of the Project. Under Article 5.c.(3) of the Contract, the Contracting Officer must maintain all records and accountings of the Project. Furthermore, those records and accountings of the cost of operation and maintenance of the Project must be available for inspection and examination by ODNR. This letter is a formal request under Article 5.c.(3) of the Contract to inspect and examine those records and accountings maintained by the Project's Contracting Officer.

While ODNR possesses the contractual right to inspect and examine all the records and accountings of the cost of operation and maintenance of the Project, it also understands that the records may be voluminous and burdensome to provide. To efficiently obtain pertinent records, ODNR specifically requests the following records related to the Project's costs of operation and maintenance:

- The ten-year audit conducted by the Corps in June of 2017 that resulted in a \$187,150.07 charge for "Underpayment for Water Storage 2008-2017" on this year's billing;
- An itemized list of the costs of operation and maintenance for each year from 2008 through the present, as was provided to Representative Steve Stivers for last year's billing only on September 15, 2017 (copy attached for reference); and
- Any documents explaining the costs, explaining the inclusion or exclusion of costs on the submitted bill, or translating or defining internal cost-codes.

ODNR respectfully requests that the Corps make these records available for inspection and examination by sending electronic or paper copies to Rodney Tornes, Acting Chief, ODNR Division of Water Resources by electronic or regular mail as follows:

Ohio Department of Natural Resources
Division of Water Resources
Rodney J. Tornes, Acting Chief
2045 Morse Road - Building B-3
Columbus, Ohio 43229
rodney.tornes@dnr.state.oh.us

This information is urgently needed as soon as possible to allow the State of Ohio and the City of Wilmington to necessarily understand and explain the significant increase in operation and maintenance costs assessed over the past two years, as well as the "underpayment" for the past ten years assessed in this year's invoice, and to ultimately hopefully allow for a timely payment to the Corps under the Contract by July 1, 2018.

Again thank you for your cooperation on this issue and for the ongoing positive relationship between ODNR and the Corps.

Sincerely,

A handwritten signature in black ink, appearing to read "JHM Zehringer". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James Zehringer, Director
Ohio Department of Natural Resources

cc: The Honorable Steve Stivers, United States House of Representatives
The Honorable Rob Portman, Unites States Senate
The Honorable Sherrod Brown, Unites States Senate