

Kubly, Marsh team up for ownership venture

By ANDREW OVERBECK

MT. STERLING, Ky. — Landscapes Unlimited's Golf Development Division has teamed up with Australian golf course designer and Senior Tour player Graham Marsh to develop Old Silo Golf Club here outside of Lexington. This project is Landscapes Unlimited's latest twist on the course ownership arrangement.

The golf course builder, which co-owns courses with other developers and management companies, first got involved in ownership by default in the late 1980s during its construction of the Amana Colonies Golf Course in Cedar Rapids, Iowa. When the funding collapsed, Landscapes Unlimited stepped in and deferred the building fee in exchange for equity in the course. The company now holds an ownership interest in 14 golf courses.

"We will continue to partner with management companies and people like Graham Marsh," said Mike Jenkins, vice presi-



A view of Old Silo's 6th and 16th holes from the elevated 6th tee. The course's namesake resides on the left side of the 16th fairway.

dent of Landscapes Unlimited's Golf Development Division. "It enhances relationships with others in the industry and it leads to more construction opportunities for us. However, we have to also be careful not to compete with our own customers for golf development opportunities."

Marsh and Kubly first met at a project in Washington DC that Landscapes Unlimited was building. "While Marsh decided not to get involved in the project," said Kubly, "his U.S. business development director, Mark Amundson, contacted us to see if we wanted to get involved at Old Silo when the bond issue for the project fell through. Since they had not been involved in

development, we were a good partner for them."

Marsh, who has designed dozens of courses across Southeast Asia and Australia over the past 12 years, made his American debut at Old Silo in June. This is also the first course in which he holds an ownership interest, an experience that he has enjoyed.

"We wanted to own courses and get into development," said Marsh. "That way we are not fighting the design. [Property] developers can screw up a course because they don't know golf. We have developed certain design ground rules. No one from the outside will be telling us what to do."

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Avoiding the perils and pitfalls of regulatory permits

By GREGORY W. PHILLIPS, JR.

Nearly everyone in the world of golf course development knows of projects that were delayed or completely abandoned when permitting procedures hit a brick wall. Development work requires a lot of interaction with regulatory officials at all levels federal, state and local. A developer who tackles the process the right way can save a great deal of time and money and avoid a lot of headaches.

The following strategies can be useful in several key areas: determining which permits are required for your project, and figuring out how to apply for and acquire them while meeting your budget and your construction schedule.

TAKING THE INITIATIVE

Your first step—and this is critical—is establishing a person at each agency to serve as your point of contact. Your contact will be the one you call whenever you have a question. He or she will be the one on the receiving end of all your permit-application paperwork. Ideally, you want someone with decision-making authority.

As soon as a course architect is selected, begin calling each agency. You want to introduce yourself and also provide background on the project, including your prospective timetables. In that first call, you can also ask what other agencies you need to deal with. Try to get specific names of officials you can talk with.

Regulatory agencies can provide valuable information. For starters, they know which permits are required from agencies other than themselves, because they deal with them regularly. Consulting with these officials will go a long way in insuring you have covered your bases. It will also help establish a positive rapport all around.

CORPS OF ENGINEERS

Most often, the first agency to contact is the regulatory branch of the Corps of Engineers (COE) in your area. It is almost a given you will need to speak to them sooner or later, so you might as well give them the impression you are proactive.

By taking the initiative, you show that you're not attempting to duck any issues. This may sound like putting your hand in a wasp nest, but it's best to find out up front what permits and accompanying fees will be required. This will help you with budgets, schedules and design.

As the construction documents evolve, consult with your contacts

on the environmental issues that may be effected by the course's design. Elements that alter, create or move lakes, creeks, streams and wetland areas should be discussed with your contacts as soon as possible. The course architect will have a sense for the regulatory ramifications of the design, but it's best to be able to pick up the phone and get at least a preliminary "read" on regulators' concerns.

If they raise a legitimate issue about some specific aspect of your plan, you can make alterations and address those concerns before you even apply for your permit. When you ask a question, it is important to communicate as specifically as possible what your intentions are. A great way to do this is to make a copy of architectural or engineering documents, and fax them over to the regulators for an early review.

When you do that, you effectively cut the permit acquisition

process. The regulators will have a sense of what's coming, and you'll have a sense for what they will and won't approve. The alternative is to complete construction docu-

ments, then apply for the permit, wait through a review period and then find out your application has been denied. Now, after wasting all that time and money, you are back to square one.

Also, keep in mind that review periods are often based on the scale of the activity. For example, the review period for a 404 for wetland mitigation is determined by the acreage you will be reclaiming. If you can stay under the one-third acre threshold you can cut the review time substantially.

KEEP CHANNELS OPEN

Another mistake is assuming that regulatory agencies talk to one another about your plan. Although they have a feel for the kind of permits each agency requires, regulatory agencies do not talk to one another about projects. It is the developer's responsibility to insure that all permits are in place and everyone is kept in the loop.

You might obtain the required permit from the Corps of Engineers and assume that you're good to go. Then, one day, an official from the state or county shows up and knows nothing of your project. The developer/owner is shocked that the COE did not notify everyone of what was going on.

Try to see things through the eyes of the regulator. Generally

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Summerton shares successful techniques for streambank restoration

By ANDREW OVERBECK

NEWPORT, N.H. — Unsatisfied with the results of standard rip-rap rock installations to control streambank erosion, superintendent Gary Summerton at John H. Cain Golf Club here has worked to find a more natural solution to rebuild eroded stream banks. Summerton, along with landscape architect John Sullivan, has used a streambank restoration process on some areas at John H. Cain, and this summer completed a job at neighboring Twin Lake Villa Golf Course.

At John H. Cain, 12 holes sit on a flood plain and the course faces a yearly assault from the south branch of the Sugar River, which regularly overflows its banks. "In 1995 and 1996, they had seven 100-year storms that caused a lot of damage," said Summerton. "Major damage occurred in

areas that were cleared for holes crossing the river and where the bridges were put in."

In fact, the streambank erosion altered the layout of the 18th hole. The river carved a new channel that bisected the approach to the 18th green, and after two attempts to fill it in failed, the hole had to be redesigned.

When Summerton came on board in 1997, he put in more than 1,200 feet of rip-rap along the new channel on the 18th hole. "It worked well," he said. "But it was causing problems because it deflected the force of the water downstream. So I began to seek other alternatives."

In 1998, Summerton teamed up with

Sullivan to restore 200 feet of streambank along the 10th hole, where erosion was threatening the cart path.

"We first put in a rock sock at the toe of the

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The stream bank restoration project unfolds along the 10th hole.

Permits

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speaking, permits are required to preserve the environment, conserve wetlands or prevent erosion during construction. When you can cast your project in the best light, your application stands a better chance of winning approval.

For example, my current project has a creek that required some aesthetic enhancement. If the re-

quest to alter the creek had been exclusively for aesthetic reasons, the COE might have rejected our application for the 404, and the West Virginia Department of Natural Resources might have been less likely to issue the "right of entry" required for the activity.

When you apply for a permit, try to think of the positive effect the activity will have on the environment. In this case, the creek was an eyesore. All the undercut-

ting of the creek's edge during times of high flow created a substantial erosion problem—it was filling the wetlands and a downstream the lake. In this case, permits were acquired to reshape the bank, soften its edge and grass it. This benefited everyone.

PROVIDE MAPS AND PICTURES

When filling out the applications, be descriptive and precise. Do not bombard them with every tiny detail, but remember that the

individuals reviewing the information have no knowledge of your project at all.

Keep in mind, also, that a picture is worth a thousand words. Maps showing the location and the activity are key. Even if it's not required, mapping should be included with the permit application. Your golf course architect can be a great help in assembling this information.

Whenever possible, a map

should be submitted on an 8.5 by 11 sheet of paper, a format that can easily be filed, copied and faxed to other officials. Some plans may need to be on larger sheets. In that case, call your contact to find out how many copies are needed. Every map should include the following: date of application; scale; north arrow; purpose of the activity; location of the activity (such as the lake or stream affected); and of course your name, address and phone number.

Your application should always include engineering drawings of the activity, if you have them, especially when building bridges or mitigating wetlands. An engineer's seal goes a long way in helping agencies approve activities. Having a professional put his reputation and liability on the line gives officials a level of comfort.

THE PAPERWORK TRAIL

Hang on to all your documentation, regardless of how far along you are with your project. Keep it neat and organized and have additional copies of all correspondences, applications and their accompanying information on the construction site at all times.

It is usually a requirement to have the permits on site during construction, but having all your applications and related correspondence may clear up a question or keep you out of hot water. The need for documentation cannot be stressed enough. Verbal permission may not hold water six months or even a day later. It is best to get approval or permission in writing from the particular agency—on their letterhead—even if it's just an e-mail message.

If a regulator refuses to send you written confirmation, write one to him or her, and copy your architect, your contractor and, when applicable, other regulatory agencies as well. In your letter include date of the conversation and what permission was given. Be very specific in your letter. You may never get a response, but at least you'll have the date of your conversation, the name of the official you talked to, and the level of clearance you received.

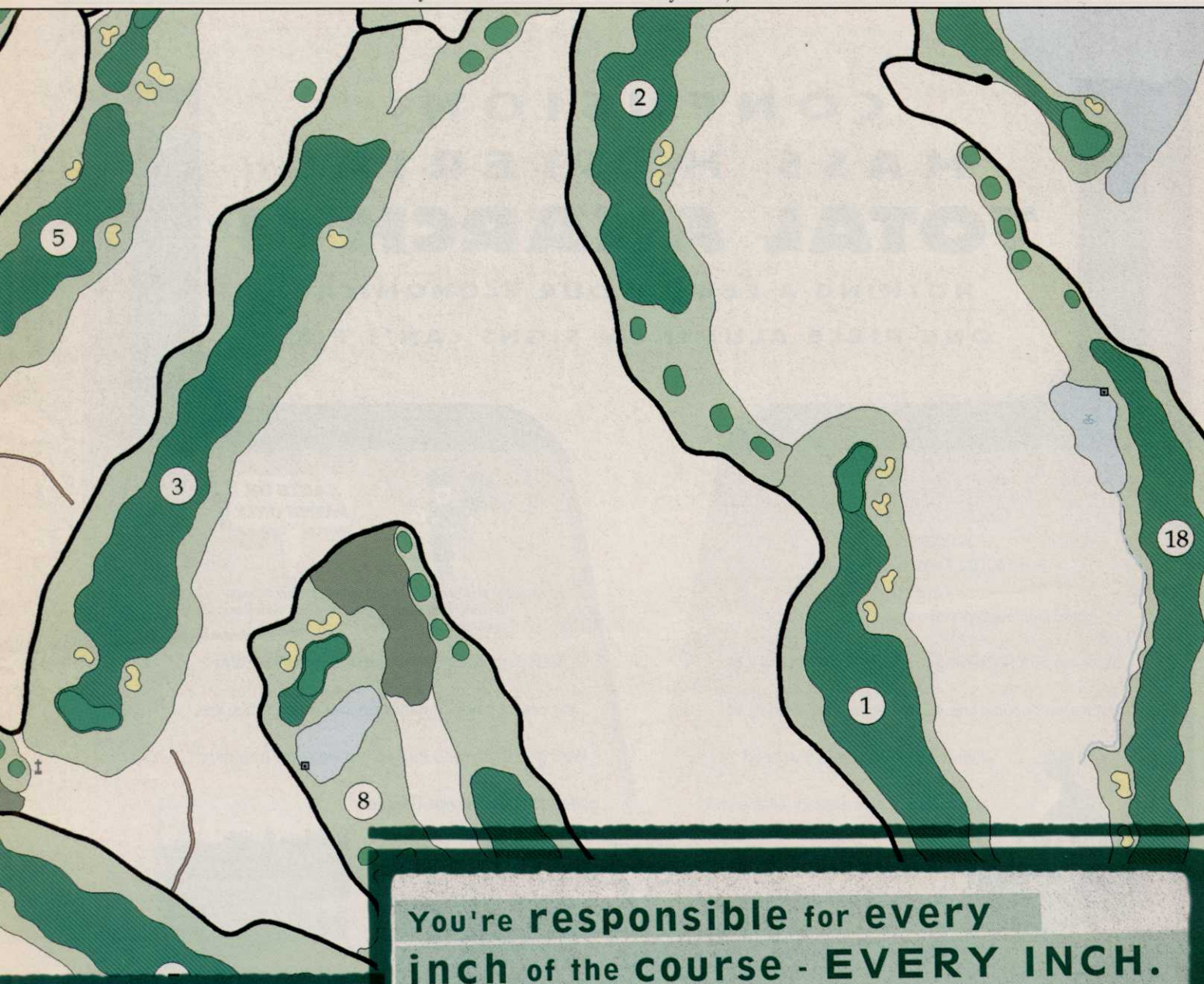
WHEN DESIGN CHANGES OCCUR

As the design of the golf course evolves, changes are almost inevitable. If the change involves alterations to surface water areas, such as wetlands, creeks, ponds or lakes, you definitely need to check with your contacts to see if additional permits are needed.

It never hurts to ask. Do not sacrifice what could be a great feature on the course for fear of making a phone call. Your taxes pay the salaries of these experts, so consulting with them will not cost you a dime. ■

Greg Phillips is project agronomist on McCabe Henley Durbin's Stonewall Jackson Lake State Park project in West Virginia.

GOLF COURSE NEWS



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