

wetland matters



OXBOW, INC. NEWSLETTER

P.O. BOX 43391
CINCINNATI, OHIO 45243

NO. 33 JANUARY-FEBRUARY, 1992

Violation settlement nets Oxbow \$35,000

Ohio law rewards conservation group

An out-of-court settlement in Ohio has netted Oxbow, Inc., a \$35,000 grant for the purchase of land or conservation easements in the Great Miami River floodplain near the Ohio River.

Norma Flannery, president of the non-profit conservation organization, said the settlement was reached between the Ohio Environmental Council and an Ohio company. The business was in court because it violated limits for dumping wastewater into the Great Miami River.

Because of the agreement, Flannery said she could not reveal the name of the company or the total amount of the fine.

The company will pay Oxbow, Inc. in three annual installments, \$10,000 in 1991, \$12,500 in 1992 and another \$12,500 in 1993, she said.

The grant resulted from the Ohio Environmental Council's statewide Clean Water Enforcement Project that targets businesses and municipalities that violate Ohio's Clean Water Act.

Ohio law requires such monies be distributed within the drainage area in which the violations occurred.

"Oxbow is always pleased when we're recognized for the work we're doing," said Flannery.

The funds allocated to Oxbow, Inc., "are intended to preserve and protect water quality, sediment quality, wetlands and aquatic habitat in the Great Miami River system by eliminating or preventing point and non-point sources of pollution generated by commercial and industrial development," said the OEC settlement.

Richard Sahli, OEC executive director, said the settlement shows that citizens can be an effective force in cleaning up the environment.

"The OEC intends to take whatever action is necessary to ensure that the people of this state have a clean and healthful environment," said Sahli.

Oxbow, Inc., was formed in 1985 to protect the Great Miami River/Ohio River floodplain, the largest wetland for a 100-mile stretch along

the Ohio River. The 2,500-acre seasonally flooded area is a critical rest and refueling location for migratory waterfowl, said Flannery.

Since its inception, Oxbow, Inc., has purchased 225 acres and bought conservation easements on 226 acres, she said.

Conservation easements legally encumber the land to prevent its development in ways incompatible with the needs of wildlife.

A similar easement on another 32 acres is pending and the initial settlement payment will go toward that property, said Flannery.

Oxbow, Inc., sponsors wetlands research and promotes education about wetlands. When possible, Oxbow, Inc., also restores wetland habitat to optimal quality for wildlife, said Flannery.

A HISTORY OF THE OXBOW AREA.

Don Bogosian



PART 12 - THE WHITEWATER CANAL.

The Cincinnati & Whitewater Canal was conceived and constructed in the post-Erie Canal heyday, a time when many unprofitable canals were built across Ohio and Indiana.

The Whitewater Canal was begun in 1836 to connect the rich farmlands of Indiana with the Ohio River. It was also seen as a connection with a trunk canal crossing Indiana in an east-west direction, or, with the National Road at Cambridge City. But the Whitewater Canal was only to reach Laurel, Indiana near Connersville, far from any other canal. It was completed in 1843. The long period of time required to construct this short canal gives some indication of the lack of importance afforded this project.

The canal, 40 feet wide, four feet deep, and bordered by a ten foot tow path, came down the east side of the Whitewater River through Metamora, Indiana where a portion of the canal has been restored. To reach the Ohio River, the canal had to pass through a part of the state of Ohio. The Ohio legislature insisted that the canal had to serve Cincinnati. To meet this requirement, the canal split into two branches just below Harrison, Ohio. The Cincinnati branch passed through what is now named Valley Junction. It then crossed the Great Miami River on an aqueduct above Cleves. In a unique canal feature, it then passed through a 990 foot tunnel and an 800 foot cut in a ridge separating the Ohio and Great Miami Rivers at North Bend, Ohio. Currently, local citizens and conservationists are trying to restore and preserve this unusual tunnel. From North Bend the canal then turned east, paralleling the Ohio River to Cincinnati where its remains can be seen in the "Ditch Track" west of the former River Road Amtrak train depot.

The Indiana branch crossed the Whitewater River in a slackwater pool formed by a dam across the river. Following the west side of the river past Elizabethtown with its canal associated warehouses, it crossed over U.S. 50 at Hardintown. It flowed along the base of the Greendale Terrace west of U.S. 50, to Lawrenceburg and, at Canal Street, reached a feeder dam east of town from where it entered the Ohio River.

The canal's best years of operation were the mid-1840's corresponding with the opening of a short branch to the Hagerstown, Indiana coal mine. Coal from this small mine added to the modest agricultural shipments. Yet, there were never more than 50 boats in operation on the canal. Most of these boats, including the Belle of Indiana, the Native, and the Benjamine Franklin, were built at a boat yard in Cedar Grove.

Almost immediately after opening, the canal was plagued with problems - flash floods from the unpredictable Whitewater River - leaking channels caused by the poorly constructed canal base - damaged sections only casually and improperly repaired, and high tolls which drove most local farmers to use the nearby wagon roads, even though these roads were ill maintained. By 1850 the canal was moribund.

Continued, next page.

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By the time the first railroads were being constructed in this part of the country, little traffic was left on the canal to be diverted to the railroads.

In 1861 the Indiana & Cincinnati RR had purchased the canal bed along River Road to use as a right-of-way for its tracks. Previously, in 1854, the Ohio & Mississippi RR had used the canal's tow path for its tracks. In 1863 the Cincinnati & Whitewater Valley RR built its tracks along a section of canal that followed Kilby Road. It is this section of railroad and canal that is now under consideration for use as a hike and bike trail - a fitting memorial to the old Whitewater Canal!



Next - The Lawrenceburg & Greendale Railroad.

FIELD NOTES



On a day in early December, with the Ohio River at 46 feet, the gulls I viewed from my living room window drew me from the house to check the Great Miami area and the Oxbow.

Much of the floodplain was under water and the waterfowl were finding the Oxbow lake and the shallows along the Great Miami River to their liking. Mallards were there in the hundreds, and blacks in good number. There were several American wigeons, ring-necked ducks, and common goldeneye. A flight of some 60 Canada geese came in as I watched. There seemed to be 200 - 300 gulls in the area. Most were ring-billed. A good number were Bonapartes and a few were herring. A special scene was a good look at a nice show put on by ten hooded mergansers.

As 1991 comes to a close, I recall the many beautiful scenes I've been fortunate enough to observe and enjoy at the Oxbow, and the special people I've been able to share them with.

I look forward to being afield in 1992.

A handwritten signature in cursive script.

WETLAND REGULATION BATTLE CONTINUES.



OPPOSITION GROWING - STATE LEADERS SPEAK OUT.

"Our Wetlands Imperiled" Thos. E. Dustin, Pres. H.E.C.

Defending the wetlands against proposed changes in the Federal manual defining wetlands is the largest coalition of conservation and environment organizations ever assembled - over 100 at the latest count, and a growing number of states and their natural resources departments.

Patrick Ralston, Director of the Indiana Department of Natural Resources stated the State of Indiana's "official position" in a strongly worded letter to the U.S. Environmental Protection Agency.

"The weakened criteria would declassify many kinds of wetlands in Indiana, making them susceptible to filling for real estate development without any permits presently required under Section 404 of the Clean Water Act.

"As an example", writes Ralston, "wetlands identified through the 1989 criteria would not constitute wetlands under the 1991 criteria".

Of Indiana's 5.6 million wetland acres, less than one million remains. 73% of Indiana's palustrine forested wetlands, 367,197 acres out of 504,335 acres, are in temporary water regime and would also be threatened and would be in jeopardy of no Section 404 protection, the Director adds.

"It seems inconceivable", Ralston continues, "that a new system would be created that is more burdensome and unworkable when the purpose should be to help prevent any further loss of our nearly depleted wetlands and to make the proposed manual more workable".

Pennsylvania Governor Robert Casey, in personal testimony before the U.S. House Subcommittee on Energy and Environment, stated the issue more forcefully. He said, "I have directed that Pennsylvania not accept the proposed revised Federal wetland guidelines. They un-necessarily and dangerously weaken the safeguards we've fought for, safeguards that finally protect some of our most essential ecological habitats from special interests. . . . The Bush Administration's new wetland policy is all wet. We reject it and we will not abide by it. Power - that's what this debate is all about", said Gov. Casey, "The power of the people to protect and preserve their natural legacy".

COMMENT DEADLINE EXTENDED.

Oxbow, Inc. members who did not have time to contact their elected representatives in Washington, D.C. to register their objections to the proposed revisions of the **FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS** still have time to make their feelings known.

Write, or call, and ask your Congressman and your Senator to oppose anti-wetlands bills, HR-1330 and S-1463, sponsored by Representative Hayes and Senator Breaux, respectively. Request support for (FL) Congressman Bennett's House bill HR-251, the "Wetlands No Net Loss Act of 1991".

Urge that no action be taken on these changes until the National Academy of Science has had time to select a committee to evaluate the validity of the proposed definitions and to make recommendations.

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THE DEADLINE FOR RECEIVING PUBLIC COMMENTS ON THESE CHANGES HAS BEEN EXTENDED TO JANUARY 21, 1992.

Letters should also be sent to Gregory Peck, Chief, Wetlands and Aquatic Resources Regulatory Branch, (A-104F), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C., 20460. Request that the results of studies by the USEPA and other Government agencies pertaining to this subject, and its consequences to remaining wetlands, be released without further delay.

IT IS IMPORTANT to voice your opposition to this Administration's attempt to suppress information and to weaken the existing guidelines for regulation of wetlands.

LET'S THINK BIRDATHON '92!



The Fifth Annual Cincinnati Birdathon, BIRDATHON '92, takes place Friday and Saturday, May 8th and 9th.

It may be the dead of winter to you, but to those who are heavily involved with the organization of BIRDATHON '92, it's already time to get to work!

"What is a Birdathon", you ask? It is a fierce competition between teams who, during twenty-four hours between 5 p.m. May 8th and 5 p.m. May 9th, work to identify the most species of birds, either by sight or by sound, within a designated Birdathon area.

More importantly, BIRDATHON '92 will be Oxbow, Inc's. biggest fundraiser of the year. Pledges are all-important! Competing and non-competing birders collect pledges of varying amounts per species from friends, family, neighbors, co-workers, (and hopefully), from Corporations for the selected birder of their choice. The two peak Birdathon years raised \$17,000 for Oxbow, Inc. Teams have the option of splitting the funds they raise with other non-profit organizations. A number raise funds for their own organization this way.

This year some would like to shake up the event to make it more evenly competitive. Presently, there is one prize, the coveted Golden Starling Award, a traveling trophy that has traveled only between two teams for four years. There is strong sentiment for rewarding birders of different levels of experience, skill, and energy.

And, speaking of energy, the teams finishing in the top five each year have generally done so by driving 300 to 500 miles. We would like to establish an award category for teams that reduce or eliminate fossil fuel consumption.

If you are interested in helping define award categories, devise a point formula for energy efficiency, name and/or make trophies, or otherwise have a hand in the planning and executing BIRDATHON '92, please call Anita Buck, 513-681-2574.

I.D.N.R. NAMES NEW DIRECTOR.

The Indiana Department of Natural Resources announced Mr. John Davis as the new Director of the Land Acquisition Section. Mr. Davis assumes the position which was previously held by the late Mr. Sam Phipps. Mr. Davis comes to the Department of Natural Resources from the Indiana Department of Transportation.

Oxbow, Inc. welcomes Mr. Davis to his new assignment. We look forward to the continuation of the Department's support for wetland preservation in the Oxbow under his direction.

THE WILLIAM P. ANDERSON FOUNDATION.

At its annual meeting, the Anderson Foundation awarded a \$1,000 grant to Oxbow, Inc. for 1992.

Oxbow, Inc. sincerely thanks the William P. Anderson Foundation for this generous grant and for the Foundation's continued support in the preservation of the Oxbow.

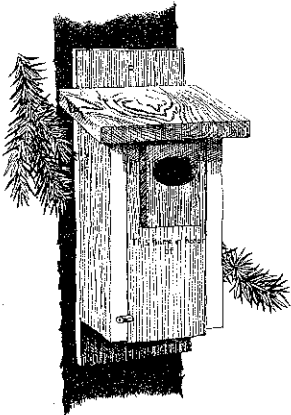
The funds will be used for the purchase of land or conservation easements as strategically sensitive areas become available.

ELVIN BLASDEL PRESENTS

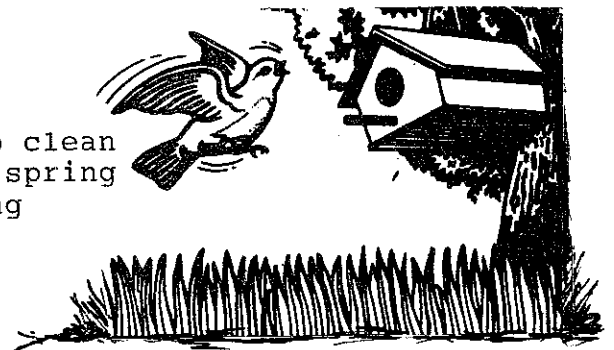
Noel Hess of Lawrenceburg, IN. will present a slide program, "THE GREAT SOUTHWEST", Thursday, February 13th at 7:30 p.m. at the Public Library on High Street.

The program includes slides from the "Four Corners", Arizona, Colorado, New Mexico, and Utah. Follow Noel and Virginia as they explore The Arches, Bryce Canyon, Zion National Park, and the ancient ruins of the Navaho.

Free-will donations will benefit Dearborn County R.S.V.P., Retired Senior Volunteer Program.



Just a reminder. Be sure to clean out your bird houses before spring migration brings our breeding population back to the area.



Make sure your WETLAND MATTERS newsletter goes with you!

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Oxborn, Inc. Memorials

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VOLUNTEER ALERT! ! !



CINCINNATI HOME AND GARDEN SHOW.

The Cincinnati Home and Garden Show will be held this year at the Convention Center in downtown Cincinnati, Saturday, February 29, to Sunday, March 8, 1992. Among the many exhibits and booths will be floral, garden, and conservation displays by the Civic Garden Center, the Hamilton County Park District, the City of Cincinnati Parks, and the Hillside Trust.

Oxbow, Inc. will have a booth on the two weekends of the show. In addition to our display materials on wetland conservation, we will be exhibiting and distributing materials about wetland vegetation and the many wild flowers to be found in the Oxbow. **VOLUNTEERS** will be needed the weekends of Feb. 29th/Mar. 1st, and Mar. 7th/8th. In Ohio, call Anita Buck, 681-2574, and in Indiana, call John Getzendanner, 537-5728, to sign up for your preference. You will be asked to donate three hours of your time to work the booth. As always, admission is free to our volunteers. Plan to attend the show. Come and learn more about the plants and flowers that provide habitat and food for wildlife. They are an important aspect of the Oxbow that does not always receive due recognition and attention.

CHRISTMAS BIRD COUNT.

Morris Mercer

~~XXXXXXXXXX~~

On Saturday, December 14th, five people met at Shawnee Lookout for the Hamilton County Park District's annual bird count. Two were brave enough to volunteer to take the mud and the bottoms along the Great Miami River, leaving three of us to cover the park's hills and valleys.

The day broke with a hard rain and a strong wind. By noon, we were being buffeted by snow and sleet driven by a wild wind out of the northwest. By the afternoon, however, large white clouds were being chased across a clear blue sky.

43 species of birds were counted. Large numbers of cardinals and red-winged blackbirds were found in the bottoms. A nice flight of double-crested cormorants was also recorded. A secretive, little winter wren was found in the hill count where we also watched as five crows were in hot pursuit of a red-tailed hawk. "Tons of white-tailed deer" were observed, but that was a species we did not have to count.

Need I say, it was another fun day along the Great Miami River floodplain!

CORRECTION.

The Nov-Dec WETLAND MATTERS article concerning the Hunting Season, incorrectly identified Mr. Edward L. Hansen, IDNR, as the Director of the Division of Fish and Wildlife. Mr. Wayne Bivans has replaced Mr. Hansen and is the current Director of the Division of Fish and Wildlife.

Meetings



TUESDAY, JANUARY 14TH, 7:30 P.M. Cincinnati Zoo Education Bldg.
Enter through the Exit gate on Erkenbrecher Avenue.

Escape winter for an evening by joining Mr. Robert Lotshaw, General Curator for the Cincinnati Zoo, as he takes us on a slide-assisted journey to the "GALAPAGOS ISLANDS."

Election of Board members and a short Business meeting will precede the program.

TUESDAY, FEBRUARY 11TH, 7:30 P.M. Lawrenceburg Public Library.
Turn left off of U.S. 50 onto Walnut Street. Turn right onto High Street. The library is on the right side of High Street.

Jeff Donald and Sandy Schnur bring their video program "YELLOWSTONE, AFTER THE FIRE," to our Lawrenceburg members. Anyone who has viewed Jeff and Sandy's professional work will really appreciate their close-ups of Yellowstone's wildlife and spectacular scenery.

THURSDAY, FEBRUARY 13TH, 7:30 P.M. Lawrenceburg Public Library.

Noel and Virginia Hess' slide program, "THE GREAT SOUTHWEST."
An Elvin Blasdel quarterly presentation.

Field Trips



THURSDAY, JANUARY 16TH, 7:30 P.M.

Morris Mercer's annual winter-night walk through the hills of Shawnee Lookout Park. Morris will meet you in the parking lot of the golf course in the park. Please don't get trampled by the "tons of white-tailed deer." Park motor vehicle permit required.

Leader - Morris Mercer 513-941-2534

SATURDAY, FEBRUARY 22ND, 9 A.M. Meet at the 50's Root Beer parking lot.

There's jubilation in joining Jay as he j-looks for the Jacana - just joking! You won't find one here, but jolly Jay will find lots of exciting things to make your trip worthwhile. The northern migration of waterfowl should be under way.

Leader - Jay Stenger 513-522-4245



Corporation Officers

President, Norma L. Flannery	513-471-8001
Vice President, Morris Mercer	513-941-2534
Secretary, Earl Thirey	513-528-3371
Corresponding Sec., Suzanne Skidmore	513-561-5718
Treasurer, Jim Rettig	513-561-0211
Agent, Dave Styer	513-772-4395

Committee Chairpersons

Conservation, Bonnie Fancher	812-438-3641
Easement Inspection, Michael Kluesener	513-574-1220
Richard Pope	513-637-1365
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Land Management, Dave Styer	513-772-4395
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Programs:	
Ohio, Morris Mercer	513-941-2534
Indiana, Bonnie Fancher	812-438-3641
Research, Kaniaulono Meyer	513-948-8630
Speakers' Bureau, Kaniaulono Meyer	513-948-8630
Volunteer Coordinator, John Getzendanner	812-537-5728

Editor

Norma L. Flannery	513-471-8001
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Oxbow, Inc.

A nonprofit organization formed by conservation groups and concerned citizens of Ohio and Indiana for the purpose of preserving and protecting a wetlands area known locally as the Oxbow, Hardintown, or Horseshoe Bottoms, from future industrial development and to preserve the existing agricultural floodplain at the confluence of the Great Miami and Ohio rivers for use as a staging area for the seasonal migrations of waterfowl. This is an agricultural area rich in geological, archaeological, and anthropological history.

Help us save this unique wetland. You can make your state a richer place in which to live by helping us preserve this precious resource

Membership in Oxbow, Inc. is encouraged and solicited.

Individual	\$10	Organization/Club	\$25	Cornerstone	\$250
Family	\$15	Supporting	\$50	Sponsor	\$500
Contributing	\$25	Patron	\$100	Benefactor	\$1000

Mail to: Oxbow, Inc., P.O. Box 43391, Cincinnati, OH 45243

Need a Speaker? Give Us a Call!



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