

wetland matters



OXBOW, INC. NEWSLETTER

P.O. BOX 43391
CINCINNATI, OHIO 45243

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Gaming Hearings

Oxbow's president Norma L. Flannery and attorney Timothy G. Mara attended the hearings of the Indiana Gaming Commission. Oxbow's representatives were allowed a half hour for their presentation. The commissioners seemed concerned about environmental matters and they questioned applicants closely about the impact their plans would have on wetlands.

Oxbow and its members have already had a significant effect on the permitting process. We succeeded in putting wetland conservation high on the IGC's agenda. Every gaming proposal discussed the Oxbow wetlands. The many letters sent by Oxbow members to the Commission and other government officials contributed substantially to Oxbow's influence. Thanks to **your** willingness to pick up a pen, Oxbow was able to deliver hundreds of letters to these officials.

Argosy was awarded the license for Dearborn County. Argosy plans to develop most of its facilities inside the levee on the site of the Pierson-Hollowel lumber mill. The proposed docking facilities will destroy wetlands on the bank of the Ohio, and they plan to mitigate this loss by building new wetlands on the conservancy district property. The next step in the permitting process will be a hearing held by the Corps of Engineers. This hearing could take place as early as October.

Argosy has provided Oxbow with their mitigation plan and asked for comments. We will continue to work with them to improve their plan. Other issues related to gaming development that concern Oxbow are the construction of billboards in the flood plain and the possible construction of an access road to the Argosy site along the Central Indiana Railroad.

Wetland Matters will keep you informed about the dates and location of upcoming hearings concerning gaming development in the Oxbow area.

Research

Most money that Oxbow raises — money donated by its members — is spent on land and conservation easements. Some money received as grants or as crop income is used for other purposes. For years Oxbow has awarded small grants to scientists interested in doing research in the Oxbow ecosystem. These investments have always produced a bountiful return. As a brief look at the EAS study shows, most of the hard facts we have about the ecosystem are the results of Oxbow-sponsored research.

This spring Oxbow awarded a research grant to Dr. Gene Kritsky, head of the Biology Department at the College of Mount Saint Joseph. Dr. Kritsky, an entomologist, will study insects in the Oxbow area and along the Ohio River. His work will concentrate on tiger beetles — species that are sensitive indicators of environmental changes. Dr. Kritsky's work will begin before construction of gaming facilities starts.

Oxbow has asked Dr. John Whitaker, of Indiana State University, to survey the bats in the Oxbow area. Dr. Whitaker, an internationally recognized expert on bats, is also known as the author of the National Audubon Society Guide to North American Mammals. Both Oxbow's land and the nearby bank of the Ohio River contain appropriate habitat for several endangered species of bats. Because some species of interest are migratory (raising young along shaded waterways in the summer but wintering in distant caves), the bat survey may not be carried out until next year. Bat surveys are time and labor-intensive. Dr. Whitaker, a supporter of Oxbow's conservation efforts, offered to donate his time if Oxbow could pay the other expenses of the study. We thank him for his support and his generous offer of help.

Calendar

Meetings

12 September (Tuesday) 7:30 P.M. Oxbow meeting at the Cincinnati Zoo Education Building. (Enter through the exit gate on Erkenbrecher Avenue.)

Dave Ehrlinger, Director of Horticulture at the Cincinnati Zoo and Botanical Garden, will present tonight's program. Dave will give a slide talk, "Cincinnati Zoo 1875-1995, Historical Highlights." Don't miss this opportunity to learn more about the Zoo on its 120th birthday.

10 October (Tuesday) 7:30 P.M. Oxbow meeting at the Lawrenceburg Public Library. (From Cincinnati, turn left off U.S. 50 onto Walnut Street. Turn right onto High Street. The Library is on the right side of High Street.)

This evening's program will feature the work of Elvin Blasdel from the Cincinnati Color Slide Club. Elvin's title is "The Ohio River Valley of Southeast Indiana." Come see the river through the eyes and lens of an accomplished photographer.

26 October (Thursday) 7:30 P.M. Slide presentation at Lawrenceburg Public Library.

The 23rd in an ongoing series of slide talks presented by Elvin Blasdel, this evening's program, *China* will feature the work of Laverne Merrit and Carol Craft, both of whom have traveled extensively in China. As usual, there will be an offering taken for the new Dearborn Adult Center.

Field Trips

9 Sept. (Saturday) 8:00 A.M. Oxbow fieldtrip.

Paul Wharton will lead this trip into the Oxbow area looking for migrant birds and other wildlife. Meet Paul at 50's Root Beer. For information, call Paul at (513)-353-3403.

14 October (Saturday) 9:00 A.M. Oxbow field trip.

Meet Steve Pelikan at 50's Root Beer. He'll be looking for fall flowers, interesting seeds, insects and migrant sparrows... or perhaps simply enjoying a morning walk. Call Steve at (513)-681-2574 for more information.

Oxbow and Gaming Development

Oxbow hired attorney Tim Mara several years ago when it appeared that gaming was coming to Dearborn County. At the request of the Board, he prepared the following report summarizing Oxbow's actions and accomplishments with respect to gaming-related development.

Some Oxbow members have written to say they were disappointed that we "lost the fight to keep gambling out of Lawrenceburg." As Mr. Mara's report reminds us, this was never Oxbow's goal. We have always (and only) worked to protect the wetlands of the Oxbow ecosystem. The progress report suggests that the board's actions have proved effective so far and ensured that Oxbow's concerns are understood and addressed by the Indiana Gaming Commission and by gaming developers.

Progress Report on Gaming Development

Timothy G. Mara

It's been almost two years since our attention first turned to the potential effect of gaming upon the Oxbow ecosystem. Much has happened in that time, and it would be appropriate to review the events of the past two years.

Initially, the Oxbow Board was faced with a basic policy question: Should we dig in our heels and go all out to stop the placement of gaming facilities near the wetlands, or should we try to work with the gaming companies to make their proposed facilities "environmentally friendly?" The Board of Directors opted to take the latter course of action, realizing that the confrontational approach could result in years of expensive litigation with an uncertain outcome. It was also felt that it would be inappropriate to subvert the will of the people of Dearborn County who had opted for gaming.

The Board soon came to the conclusion that although we sensed that the proposed facilities had the potential to adversely effect the Oxbow ecosystem, we couldn't back that up with hard facts. What was needed was a comprehensive study of the Oxbow ecosystem. We approached the eight gaming companies who were interested in a Lawrenceburg license and asked each of them to help fund such a study. Three of them agreed to do so, and Oxbow retained the firm of Environmental Assessment Services, Inc. (EAS).

The EAS study was completed in August, 1994. The two-volume report is a compilation of existing information plus additional data gathered in the field. It covers a wide range of topics including geology and hydrology, biological resources, cultural resources, and land use. The EAS study confirmed something we already knew — that the Oxbow is a very delicate ecosystem. All the plants and animals are dependent on each other for their survival. Change any one factor in this web of interdependence and the whole thing could come unraveled.

If there is one factor that is key to the ecosystem it is the hydrology — the rise and fall of the water in the Oxbow wetlands is the glue that binds everything together. Any significant encroachment into the floodway could affect the frequency, duration and height of flooding which in turn could affect various plants and animals.

Armed with this information, we then contacted the gaming companies to encourage them to modify their proposed facilities to minimize the effect on the Oxbow ecosystem. The level of response varied greatly, with some gaming companies devoting much time to meeting with Oxbow representatives to review and modify plans. For example, Ameristar deleted from the Conservancy site much of the development and substituted more than thirty acres of new wetland to be developed at considerable cost. Other continued to ignore us.

As the Indiana Gaming Commission (IGC) hearings approached in June, 1995, the gaming companies became more aware of our concerns and all began to communicate with us. By the time of the hearings, all had become keenly aware of the wetland issues and had gone to great lengths to deal with them. At the hearings, Oxbow presented testimony based largely upon the EAS study. Judging by the comments from the IGC members, concern for the environment was a major factor in their decision to award a certificate of suitability to Argosy.

Now that Argosy has been chosen to develop and operate a gaming facility in Lawrenceburg, we continue to work with them to try and make their facilities "environmentally friendly." Early on, Argosy recognized the importance of wetlands and opted to develop most of its facilities inside the existing Lawrenceburg levee, using the former Pierson-Hollowel sawmill property. The only portion of their facilities outside the levee is the docking facilities themselves. The docking facilities will destroy about 4.5 acres of wetlands along the river. Argosy proposes to mitigate this loss with approximately 24 acres of new wetlands to be created on the northeast portion of the conservancy district property. Oxbow Board members have

reviewed Argosy's mitigation plans and have concluded that their plan is feasible. We will continue to push for improvements in those plans in advance of the Corps of Engineers hearings which are anticipated to occur in October.

Related issues which we continue to work on include a possible access road to the Argosy site using the Central Indiana Railroad right-of-way, controlling billboards in the area, and the need to re-zone the entire wetlands area from its present industrial classification to agriculture. The Board also continues to explore acquisition of additional land or conservation easements in the area.

While the final chapter of the wetlands saga has yet to be written, it appears that the decision of the Oxbow Board some two years ago to work with rather than confront gaming companies may pay off in enhanced protection for the wetlands. The Board will continue to be alert to threats to the wetlands as gaming facilities are constructed.

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Oxbow, Inc. has established Memorials in honor of those who have passed on. Each Memorial, established in the name of a friend or loved one, will be enrolled permanently in the records of the Corporation. Each contribution will be acknowledged to the family or to those selected by the donor. Contributions should be sent to Oxbow, Inc., P.O. Box 43391, Cincinnati, Ohio, 45243-0391. Be sure to enclose the names and addresses of those to receive the acknowledgement.



Survey completed

If you visit the Oxbow area, or even look closely as you drive past, you'll see that there are lots of orange stakes in the ground. They mark the corners of Oxbow's land. At a recent meeting, the board approved the construction of cement monuments at selected locations and these should be installed soon (flood waters willing).

Field Notes

Morris Mercer

For many years in late winter and early spring I've stood at the Oxbow and watched migrating waterfowl. I wondered where they came from and where they were going. They stopped to feed, rest and moved on as they have for thousands of years. In mid-March I saw four Common Loons resting on the flooded Oxbow with their heads between their wings. They looked exhausted. I wondered what northern lake they would pick as their summer home. I've read of where migrants winter and the area they use to raise their family. This July we had a glimpse of some of the nesting area.

Frances, my wife; Marilyn, our daughter; Jim, our son-in-law; Sarah our 9-year-old granddaughter and I took a trip to the Canadian Rockies. We drove west through North Dakota on U.S. 2. The road took us across the treeless prairie dotted with pot holes. It seemed that each water hole was the summer home to many nesting birds. Stopping for a look was no problem as there were few other cars.

One pot hole we stopped at was home to a family of Ruddy Ducks. Mother ruddy was half hidden in the reeds. The small ducks sat on a small log. And there was old Dad Ruddy Duck. He swam around seemingly about to burst with pride. He held his tail feathers up like a fan as he drummed his breast with his bright blue bill. In a cultivated field just beyond the water hole several Yellow-headed Blackbird families were away from the nest on what seemed to be one of their first flights. They were noisy and very busy.

Being easy to pull off and no traffic did have its down-side. Had we stopped at each good-looking water hole we would still be out there. We did look over a lake next to a rest stop. Frances was looking through the scope as a pair of Western Grebes got up and made their great side-by-side walk across the water.

U.S. 2 took us into Montana, where we made an evening and early morning stop at Medicine Lake National Wildlife Refuge. We saw large numbers of Shoveler families and many other ducks. That evening we were at Bowdoin National Wildlife Refuge. There were great numbers of ducks, geese, shorebirds, and many White Pelican. One small island was white with Pelicans and Sarah said "that must be Pelican Island." (Who could argue with that?) We could have spent days at each refuge, but still had a long way to go. But I will say that I saw more Black Terns each mile along U.S. 2 than I've seen in my life. They were everywhere.

We left U.S. 2 at Shelby, Montana and turned north for Canada. We spent a couple days in Calgary where we took in a little of the Calgary Stampede. Then onto Banff, Alberta where we enjoyed the mountains and the Vermillion Lakes. We saw both nesting Osprey and nesting Bald Eagles. We also saw and heard a family of Common Loons.

We moved on up to Lake Louise, and Jasper. This was beautiful country, with snow-covered peaks, mountain waterfalls, turquoise lakes, blue skies, white clouds, blue glaciers, and cool, cool weather. And there were the large animals — elk, bear, big-horned sheep in so many unforgettable scenes.

From Jasper, we turned north and east to Edmonton, Alberta and the "Mall." On across the pot-hole-dotted great plains of Alberta, Saskatchewan, and Manitoba (sometimes called the North American Duck Factory). We enjoyed the waterholes and the wildlife. The fields were large, yet somewhat different than we saw in the U.S. We saw green fields of wheat and oats. There were also golden fields of ripe grain. We had to ask about the great bright yellow fields of canola. (From which comes canola oil.) Then there were the endless blue fields of flax.

Each lake in Ontario seemed to be the summer home to a family of loons. Each time I saw the loons, on the water, in the air or feeding young, I wondered if I might have seen them at the Oxbow. The cry of the loon is one of the real calls of the wild.

Even while in the midst of such wonderful habitat, I couldn't but be concerned for its future. In the U.S.A. money from the Federal Duck Stamps helps to establish and maintain some of the nesting area and wildlife refuges for the migrating waterfowl. In Canada, Ducks Unlimited has restored many of the wetlands that had been drained.

Waterfowl depend on their winter homes along the Gulf Coast, Mexico and South America, their resting and feeding areas along the flyways (this is where Oxbow tries to do its small part) and their summer homes, so we must all work together. I feel that the habitat for the migrating waterfowl, and the other wildlife that use it, must be saved.

It is my hope we can keep these areas as they are, so our children and grandchildren can enjoy their wild beauty. So they, too, can stand and wonder where the loon might spend the summer.

By putting it in the broader context of the lives of our waterfowl, my summer trip increased my appreciation of the Oxbow. I do so enjoy its beauty! I hope I see you there.



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

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