What’s Taking Flight?

...by Jon Seymour

Another exciting year in the Oxbow has come to a close. While we were not able to add any land to our holdings this year we did make a lot of progress in our management of the land we have. We are also looking into the future at the challenges that wait for us down the road.

2005 was our 20th Birthday and we celebrated with a great members picnic at the Lawrenceburg Fair Grounds with speakers, demonstrations, displays, great food, good fellowship, all followed with tours of the Oxbow for dessert. It was such a success that we will have to do it again but probably not until our 25th Anniversary.

In early spring Kani Meyer and I managed to conduct a controlled burn on one-half of the prairie in the Lawrenceburg Conservancy District. Efforts to burn the new prairie around Osprey Lake were frustrated and the area would not sustain a burn. However, the prairie started to look good during the summer growing season. We have great hopes as the prairie ages, and the soil remains undisturbed, that the prairie plants will continue to strengthen and gain the upper hand over the weeds and invasives.

Rick Pope engineered the placing of two more culverts in strategic locations along Oxbow roads. These culverts help prevent the current roads from washing out during flood periods. Rain drawn off the flood conditions by the dam system on the Ohio River is particularly destructive of roadways as the water level in the Oxbow is dropped as much as 15-20 feet in 48 hours. The culverts allow some of the water to flow under the road and not over it. While not perfect, this should help a lot in making the roads usable more days of the year.

Argosy, CSX Railroad, and the City of Lawrenceburg all announced construction projects in the Lawrenceburg Conservancy District this year. Work on the CSX Railroad Line and the City of Lawrenceburg’s Electric Substation have already commenced. We have been working with all parties to insure the impact of these projects is minimal to the Oxbow area and hopefully some good may come out of some collaborative projects during the construction that will improve the Oxbow area.

In July, volunteers removed 5,700 pounds of trash from the Oxbow. Recent visitors to the Oxbow will have noticed Allen Rowe’s Eagle Scout project to clean up and beautify the Hardinsburg entrance to the Oxbow. Invasive plants have been removed and native planting will be made around the base of the sign. A better parking area with defined edges is being created and visitors may even find a bench or two to rest on as they travel the Oxbow. Another article in this newsletter details the placing of a sign on Flannery Island by CINERGY in honor of Norma Flannery.

This year the Board also agreed to take part in a mitigation project for Highway 48 in Dearborn County. An area 2,500 feet long and 50 feet wide, currently planted in corn for wildlife, along the southwest edge of Oxbow Lake will be planted in trees and shrubs to increase the border along Oxbow Lake. This should help enhance the safety of wildlife using the area for feeding, resting and nesting. Another area of the Oxbow will be left in corn for wildlife to compensate for this loss. Work on this project should start in the spring of 2006.

2005 was a great year and marked by the sighting of a single River Otter during the January flood and by the sighting of two River Otters on October 11th in Oxbow Lake. Like the beaver, egrets, herons, cormorants, osprey and eagles that are sighted in the Oxbow, they are another sign of the importance and the special nature of the Oxbow.

Oxbow Online

...by Kaniauono Meyer

Ever lay your Wetlands Matters aside, then couldn’t find it to see when the next program or field trip is? Ever wonder what of special interest has been recently seen in the Oxbow area? Then visit us online at www.oxbowinc.org. There you can catch up on Oxbow news, past and present; see photos contributed by members and friends of plants and animals in the Oxbow; download maps or learn about upcoming programs, field trips and other events such as clean-ups. Currently all the old issues of Wetland Matters from 1986 through the end of 1994 are online as pdfs. We plan to get all issues up to 2004 online eventually. It’s a great way to reread all of Morris Mercer’s Field Notes or Don Bogosian’s History of the Oxbow Area. Site visitation has been steadily increasing and we are averaging over 5,000 hits a month so a lot of you out there in cyberspace are using our site already. Keep it up and let us know how we can enhance the site to make it more useful for all of you! Just contact me at kaniau@yahoo.com with your suggestions.
What's Taking Flight? A *sieve* of Great Blue Herons sails out over Oxbow Lake after feeding in the corn fields near the lake. (*sieve* = a flock of herons). (photo by Jon Seymour)

A field of native Giant Ragweed covers the eastern portion of Flannery Island. The plants grow 15-20 feet high and are so dense that passing through them is best done by a mouse. (photo by Jon Seymour)

John Klein, Aaron Perlman, Jon Seymour, Tina Schlegel and Bob Schlegel represent Oxbow, Inc. at the dedication of the sign on Flannery Island honoring Norma Flannery. (photo by Chandra Mattingly)

View of the mouth of the Great Miami River as it empties into the Ohio River as seen from the sign on Flannery Island. (photo by Jon Seymour)

**A Sign goes up on Flannery Island**

On Friday, November 4, 2005 a group of intrepid Tom Sawyers gathered on the Ohio shore of the Great Miami River and were boated by a crew of CINERGY employee Huck Finns to the eastern Great Miami shore of Flannery Island. Representing Oxbow, Inc. were President Jon Seymour, Board Member Aaron Perlman, and active Oxbow members John Klein, and Bob and Tina Schlegel. Representing CINERGY were Tim Hayes and J. R. Wood. We gathered under a new sign honoring Norma Flannery with the donation of land by CINERGY that completed Oxbow, Inc.’s ownership of what is now named Flannery Island. Both Jon and Tim reminisced over Norma’s persistent pursuit of ownership of the Island and her dogged negotiations for the CINERGY gift. CINERGY funded the sign and their employees mounted it on the Island shore in a location that Tim and Jon chose earlier in the year.

Aaron was particularly happy to make the crossing to the Island and participate in the event. He required only a little help in descending and ascending the banks and getting in and out of the boat. After we all returned to the Ohio shore Aaron revealed he was 90 years old but definitely the leading Tom Sawyer of the group. Chandra Mattingly of Register Publications also accompanied the group and wrote a very nice article for the Dearborn County Register. Norma would have been pleased to have so many old friends at the dedication and such nice publicity for Oxbow, Inc. We thank CINERGY for the Island, the sign, and arranging to transport everyone to the Island for the dedication. It was a special Oxbow moment.
M usings

by Dave Styer

The Rock Pigeon: A Conversation with DeVere Burt

Like cats and dogs, our domestic pigeons come in a marvelous array of varieties. There are fantails with 30 to 40 tail feathers instead of the usual 12. They spread their tails like a displaying turkey. There are runts that weigh four pounds. The normal weight of a Rock Pigeon is about twelve ounces. Perhaps a pigeon fancier 200 years ago said to his friend, “I’ve got this runt in the litter, you really should come see it.” There are tumblers; they fly along and then suddenly tumble a bit, and then continue flying. I have read that it was once thought that tumblers were showing off, a sort of early x-sport, but it came to be realized that they are having brief epileptic seizures when they tumble. There are homing pigeons designed to race home from anywhere at amazing speeds. There are carrier pigeons out there bringing messages in and saving the troops. Real heroes. Near the beginning of The Origin of Species Darwin makes the case that all these domestic pigeons are derived from just one wild species, the Rock Pigeon, Columba livia.

To write this article, I called wildlife artist DeVere Burt, a long-time Oxbow enthusiast, and pigeon fancier since his youth. DeVere said he became hooked on pigeons when he read about them in The Origin of Species and decided to try the same breeding experiments that Darwin tried. I’m not clear what the pigeon outcome was, but for DeVere the result has been a life-long fascination with the birds.

The Rock Pigeon was a native of Eurasia and North Africa. People have spread them all around the globe. DeVere found it remarkable to find pigeons nesting with penguins on South Georgia Island, more or less in the middle of nowhere, not very far north of the Antarctic Circle. Pigeons don’t nest on Antarctica—the wimps! That’s the problem with domestication: it takes good strong species and makes weaklings out of them.

A fascinating site to see feral pigeons is the Snake River Birds of Prey National Conservation Area (NCA), administered by the Bureau of Land Management a little south of Boise, Idaho. The NCA has “the densest concentration of nesting birds of prey in North America” with over 700 nesting pairs of 15 species including 150 to 200 pairs of Prairie Falcons. Great cliffs along the Snake River provide safe nesting sites for these birds. DeVere filled me in on a part that the NCA website doesn’t mention. Hundreds of feral pigeons nest on the same cliffs. Every day the pigeons have to fly, perhaps, thirty miles to feed. Thus, they, in effect, run the gauntlet every day. That they can successfully do so speaks volumes about their flying ability.

DeVere says that all Rock Pigeons have the ability to find their home if they are within about 25 miles of it. Homing pigeons have been selected to enhance this ability. They can fly home from 600 or more miles away. It has been suggested that they can use the sun, the Earth’s magnetic field, and infrasound (“sound” frequencies too low for humans to hear) to find their way.

Although this is not a history of the domestic pigeon, the story of one of DeVere’s favorite breeds gives a suggestion of the richness of pigeon lore. The Catalonian Tumbler, from the Catalonian region of Spain, is thought to have been brought there from North Africa by the Moors. When the Moors were driven out of Spain some of the “Catalonian Tumblers” were left behind. This breed of very small (6-8 oz.) tumblers was maintained there until World War II. During the war, the Germans shot all pigeons they saw because they feared messages being carried by the enemy. Not every domestic pigeon would be a carrier, but not any “Joe on the street” would know the difference any more than I would. Fortunately, a few Catalonian Tumblers were kept alive, some in the United States. DeVere has one of approximately twenty colonies in this country. Although DeVere has lost several pigeons to Cooper’s Hawks, no bird of prey has ever taken one of his Catalonian Tumblers. They are very swift birds.

Turning away from fancy breeds to the pigeons we see over much of North America, we still see a marvelous diversity of plumages. These pigeons display the results of their domestic ancestors. If you made a life list of plumage variations you saw in domestic pigeons, and a life list of different birds species you saw in Cincinnati, which would be larger?

Rock Doves, that is, feral pigeons live in the Oxbow area on the I-275 bridge over the Ohio River. They may be seen any day of the year. In winter, pigeons flying from elsewhere to take advantage of food available in the open fields often increase their numbers. DeVere says it would be routine for them to fly in from Cincinnati, only twenty some miles away. I’ve seen up to about 200 at a time. That’s quite a few pigeons, but an early computer printout of my records indicated that I had seen 500 pigeons in the Oxbow area one day. A check of my records showed that I had seen 50 pigeons that day. What a letdown! Actually that’s more than enough to take a new view of the diversity in nature, and to view something Darwin considered deeply before he wrote The Origin of Species.
The Supreme Court’s Decision on Eminent Domain

...by Tim Mara, Esq.

The recent decision by the U.S. Supreme Court in the case of *Kelo v. New London* has expanded the authority of local governments to take private property through eminent domain. The decision has caused some alarm among land trust organizations like Oxbow who have toiled for years to protect key habitats from thoughtless development. The U.S. Constitution says very clearly that private property cannot be taken by the government without just compensation. Similar provisions in most state constitutions, including Indiana and Ohio, prohibit the state and its political subdivisions from taking property without just compensation. The state legislatures have established the process for eminent domain takings in subsequent legislation. Those statutory processes usually require that the state or local government establish that the taking is for a public purpose and follow a specified procedure in establishing the fair market value of the property taken.

No one questions the right and necessity of the state, county or local government to take property for a new highway or for a sewer project. Without this eminent domain authority, a single property owner could forever block a new highway critical to public safety and the flow of commerce. A highway is clearly a “public use”. In 1954, the U.S. Supreme Court found that “public purpose” not only included public infrastructure projects like highways and sewers, but would also include projects to remove urban blight. Cities across America sprang into action, undertaking urban renewal projects aimed at clearing slums and revitalizing aging downtowns. The key prerequisite for such takings was a finding of “blight” by the city council or other local legislative entity.

In recent years, local governments have become increasingly involved in economic development. Moving beyond the development of industrial parks to bring businesses to town, local governments have become more sophisticated in their efforts to fill the needs of business. Businesses become very adept at playing off one community against another to bid up the incentives each offers to locate in their community.

One of the difficulties businesses encounter in finding a site, particularly in urban areas, is the assembly of sufficient acreage. Often, a desirable site is already divided and developed as 100 or more parcels. Through negotiations with each of the 100 owners, a developer might succeed in buying 90% of the parcels, and then hit a wall with the remaining few who either don’t want to sell at any cost or are demanding a premium for their property well above fair market value.

To overcome these holdouts, developers turn to the local government. With promise of increased tax revenue and jobs that supposedly will flow from the development, they press the city to take the remaining parcels through eminent domain. Of course, the city then turns around and sells or gives to the developer the parcels taken.

This raises the obvious question: is a taking for an economic development project a “public use”? That was the issue presented to the U.S. Supreme Court in *Kelo*. There the City of New London, CN had taken Mrs. Kelo’s house to assemble a site for a luxury hotel which the developer promised would bring jobs and increased tax revenue. Mrs. Kelo had previously refused to sell her home to the hotel developer. Mrs. Kelo fought the city’s efforts all the way to the U.S. Supreme Court arguing that the taking of her property would violate the “public use” restriction in the Fifth Amendment’s Takings Clause. In a 5 to 4 decision, the U.S. Supreme Court held that the city’s proposed disposition of Kelo’s property qualifies as a “public use”.

The decision has set off a firestorm of controversy. Homeowners and small businesses suddenly realize that even though they own property at a location with great development potential, when it comes time to cash in, their well-earned opportunity could be taken from them by an alliance of local government and big business.

The *Kelo* decision also has potential implications for land trust organizations like Oxbow, Inc. Lands held by Oxbow and other land trusts have never been completely safe from being taken by local and state governments for highway projects and other infrastructure improvements. The best defense has always been a strong and active membership, capable of fostering public indignation at a proposed loss of key environmental lands for another project.

The best way to understand the threat of eminent domain for Oxbow and other land trusts is to revisit how Oxbow, Inc. came to be way back in 1985. At that time, there was a proposal to build a massive barge terminal facility on the Ohio River at the mouth of the Great Miami River. Such a facility would have required dredging for a large basin where barges could be parked, loaded and unloaded. Warehouses, highways and parking would have consumed whatever part of the Oxbow wetlands that survived the construction of the basin. The founders of Oxbow, Inc. quickly got together, raised money, and immediately began buying key parcels in the area, effectively blocking the barge terminal and saving our precious wetlands.

We’ll never know for sure what reaction the barge terminal proponents considered. Perhaps they considered the use of eminent domain to take the saved land from Oxbow, Inc. If so, they may have been troubled by the doubtful legality – at that time – of using eminent domain to take land for economic development purposes. *Kelo* has now erased that doubt. Such a taking would be constitutionally permissible today.

The *Kelo* decision has so enraged the public that many states have already enacted or are considering legislation to block or limit use of eminent domain for economic development projects. Ohio has enacted a moratorium on such takings until December 3, 2006, to allow time to more carefully study the use of eminent domain.

In Indiana, an “Interim Study Committee on Eminent Domain” was appointed and the Committee issued its final report in November, 2005. The Committee rejected a proposal to limit eminent domain to traditional public purposes, such as the construction of roads and schools. Instead, the Committee recommended new legislation to define “blighted property” and “economic development”.

One gets the distinct impression, in Ohio and Indiana, and elsewhere, that politicians are busy making it look as if they are concerned about the abusive use of eminent domain, but are not likely to significantly limit the use of eminent domain for economic development.

As for the threat to the Oxbow wetlands, I continue to believe that the best defense is a strong organization prepared to fight if necessary to protect the Oxbow wetlands. That strategy has worked for 20 years, and remains our strongest weapon.

- 545 U.S. – (2005), No. 04-108
- *Berman v. Parker* (1954), 348 U.S. 26
- See the Committee report at [www.in.gov/legislature/interim/committee/reports/ICED8581.pdf](http://www.in.gov/legislature/interim/committee/reports/ICED8581.pdf); the Committee’s minutes and agenda are also accessible at this site.
OXBOW, INC. PROGRAMS

Tuesday, January 10th, 2006, 7:30 PM
Otters, Otters Everywhere
Earth Connection, College of Mount St. Joseph

Tammy York, Wildlife Information Specialist from ODNR Division of Wildlife, will present Otters, Otters Everywhere - The true life story of the recovery of an endangered species. Recently, a River Otter was spotted in the Oxbow Lake. This is your chance to learn about how River Otters became endangered and how the Ohio Division of Wildlife helped the River Otter population to recover. Program will include background information and educational activities. For more information, call Tammy at 937-372-9261 x 5020, or email to tammy.york@dnr.state.oh.us. To get to Earth Connection in Delhi, go south on Neeb Road past the Delhi Road traffic light, turn up the second drive on the left.

Tuesday, February 14th, 2006, 7:30 PM
Invasive Plants
Public Library, Lawrenceburg, Indiana

Tom Borgman, of the Hamilton County Park District’s Land Management Department, will give a PowerPoint presentation on how to identify and combat exotic invasive plants in our area, including new invaders for which we can be on the lookout. The Lawrenceburg Public Library is downtown at 123 High Street. Turn left going west off US 50 onto Walnut Street, then right on High Street.

OXBOW INC. FIELD TRIPS

To reach the upper Oxbow Inc. parking lot near the cement plant, turn south from Rt. 50 at the Shell gas station in Greendale, drive back to the cement plant, turn right to the end of the road, then left and the lot is on your right.

Friday, January 27th, 2006, 7:00 P.M.,
Morris Mercer Memorial Hike

Meet John Klein, Land Manager for the Hamilton County Park District, at Shawnee Lookout Park’s Archaeology Museum and Golf Clubhouse. This will be the first Morris Mercer Memorial Hike, in honor of the man who helped found Oxbow, and who every year ceded this hike with John Klein in January. Folks can tell their favorite Morris stories and John will supply the M&Ms. We will walk one of the nature trails in Shawnee Lookout Park, calling for owls along the way. For more information, call John at 521-7275, ext. 227.

Saturday, February 4th, 2006, 8:00 A.M.,
Early Migrant Ducks

Meet Darlena Graham, at the Oxbow, Inc. parking lot near the cement plant, for this search for early migrant ducks. For more information, call Darlena at 859-341-4893 (H), or email to darlena@fuse.net.

Saturday, March 11th, 2006, 8:30 AM, 2006
Two Stengers For The Price Of One

Meet Jack and Jay Stenger, son-and-father birders, at the upper Oxbow Inc. parking lot near the cement plant. Jack and Jay will search for waterfowl and early migrants. For more information, call Jack or Jay at 522-4245.
Tuesday, October 11, 2005 (by Jon Seymour)

I went down to the Oxbow today ahead of the members meeting. We always have a report on what is being seen in the Oxbow but I have not been down here lately as I have been busy helping my daughter move into her first home. There are the usual Great Blue Herons and I try to get a count on the numbers. I find taking a survey to be a good indicator of the general attractiveness of the Oxbow habitat. The last time I was down here, nearly two weeks ago, I could not find any Great Egrets but Jay Stenger had reported seeing two just two day ago. They usually disappear from the Oxbow and head back south for warmer climes between the 15th and the 15th of October. I am surprised, but pleased, to find 26 Great Egrets hanging around the south end of Oxbow Lake. I strolled some wood duck from the shore as I descended to the shoreline to get a better look down the west side of Oxbow Lake to see if there are any more up in the trees. Their whistling wings alert me to their presence and I watch them settle in on the opposite bank. Scanning down the shoreline I see a fish erupt from the water and go three feet in the air. An unusually vigorous jump, especially since the lake is only about three feet deep in that area. A head appears at water surface and I think – beaver – but there is a roll to the back and then a second roll to the tail and it is gone. Another appears in the same area and then there are two. There is the same undulating roll of back and tail and then they are gone, then back again and they are twisting and turning lazily through the water. They are both gone and a fish explodes from the water, hurtling itself 2 feet into the air and 10 feet across the surface before splashing down in a spray. There are two heads and bodies again. I know now that I am looking at two River Otters. This is the second sighting of River Otter this year as one was seen in the Oxbow in the January flood. This is GREAT! Otters have been stocked in northeast Ohio, and Central Indiana but not in the Miami River system. These two are out exploring and the Oxbow and the Great Miami are extending a welcome. Otters are great fun. I spent about 30 minutes last year at Muscatatuck NWR watching a family of 5. I must admit it took me 10 minutes to figure out it was a family of 4 and another 5 minutes to determine it was actually 5. The individual animals were up and down so often and in no particular synchronized pattern, so it took me 15 minutes of observing the otter to see all five on the surface at the same time. Well, I know I saw at least TWO Otters. Now I have a story to tell the members at the meeting tonight. It sure beats my telling them that the egrets are still present. (photos page 2)

Saturday, November 19, 2005 (by Wayne Wauligman)

Today started out cold and clear and with a thin ice layer over some sections of the Oxbow area. The roads melted in the sunshine and turned to thick mud in places. I had selected the theme of my guided tour of the Oxbow today as “Discovering what birds eat around Thanksgiving in the Oxbow area”. The group gathered about 9:00 am for the tour. Starting at the parking area we found poison ivy berries in an elm tree, with Yellow-rumped Warblers and a Yellow-bellied Sapsucker near these berries. We went to the water to find Bluegill fry, mussels, water insects (Boatman, Water Scorpion, Damselfly Larvae, and a glass shrimp), Shad, and Killifish. A Smartweed flat, once flooded, will provide seeds for dabbling ducks and coots. Near a beaver lodge we found a pile of fresh sticks, some stripped of bark, at an embankment hole. The beaver was seen by Jerry Lippert before we arrived there. Next we went to a Black Willow forest where seeds abounded for the White-throated and Song Sparrows. Crossing the Oxbow through the Smartweed flats we went to the western side of the Oxbow. Tracks in the mud were thought to be coyote; however, we found the source of the prints, we believe, at the end of the trip when a Red Fox darted in front of us. Along the road a Cooper’s Hawk pulled up alongside us, probably having learned we might scare up a bird for her to eat! At the parking and observation area we found a Junco, Rusty Blackbird and Red-winged Blackbirds probably eating the corn left in the field on unharvested stalks. Walking around the end of the Oxbow Lake we noticed the absence of birds. We found out why when a Great Horned Owl took off from the ground. Out in the field we found a low lying area with numerous Carp skeletons, illustrating what the vultures eat. Two Pipits were at the edge of the cornfield and 13 Horned Larks were flying low to the ground. At Mercer Pond we found some ducks and gulls. In the soybean field on the way back we noticed the grasshoppers in the harvested field, apparently the food for the Killdeer we saw there. Mice were not seen, but the two Redtail Hawks we saw probably were better at finding them than we were. (photos page 7)

Oxbow, Inc. Memorials

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Tributes

Charles & Mary Saunders
Happy Birthday to Steve Pelikan and Anita Buck!

Margaret M. Jeffrey
Thank you for your generous donation!

Oxbow, Inc. has established Memorials in honor of those who have passed on. Each Memorial established in the name of a friend or relative will be enrolled permanently in the records of the Corporation. Each contribution to a Memorial will be acknowledged to the family or to those selected by the donor.

Tributes are also enrolled permanently in the records of the Corporation. Some tributes are birthday or anniversary remembrances, holiday greetings or gratitude acknowledgements. If so desired, “Happy Birthday!” or the like can be inscribed in the tribute notice.

Contributions should be sent to: Oxbow, Inc., P. O. Box 43391, Cincinnati, OH 45243-0391. Be sure to enclose the names and addresses of those who are to receive the acknowledgement.
Beaver lodge at Juno Pond  (photo by Jon Seymour)

There is quite a bit of insect life in the shallows of the Oxbow. Pictured is a Killifish, one predator of these insects. (photo by Wayne Wauligman)

American Beaver  (photo by Peter Mirejovsky)

The above photo is of "Oxbow Mud", which is often referred to in this publication. (photo by Wayne Wauligman)

This empty shell indicates that Fresh Water Mussels have become food for the Oxbow's residents. (photo by Jon Seymour)

During spring floods, Carp are often seen swimming in the flooded fields. Wayne Wauligman saw an Osprey grab a fish from one such field. The above photo shows what happens to those not taken by predators and left behind by flood waters. (photo by Wayne Wauligman)
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 ecosystem known locally as the Oxbow, Hardintown, or Horseshoe Bottoms, from industrial development and to preserve the floodplain at the confluence of the Great Miami and Ohio rivers for use as a staging area for the seasonal migrations of waterfowl. This cultural area is rich in geological, archaeological, and anthropological history.

Help us save this unique wetland ecosystem. 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.

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Wetland Matters, the newsletter for members of Oxbow, Inc., is published bimonthly.