

# wetland matters



## OXBOW, INC. NEWSLETTER

Number 68 November-December 1997

P.O. BOX 43391  
CINCINNATI, OHIO 45243

### Land Purchase

## Calendar

### Meetings

Oxbow holds monthly meetings for its members. The location of the meeting alternates between the Education Building at the Cincinnati Zoo and the Public Library in Lawrenceburg. The meetings are generally held at 7:30 P.M. (Eastern Time) on the second Tuesday of each month.

#### Nov 11 (Tuesday) 7:30 P.M. Oxbow meeting at the Cincinnati Zoo's Education Building

This evening's program will be given by Morris Mercer. Morris will show two videos he made during recent travels. The first is about the gathering of more than 2,000 Bald Eagles on the Chilkat River in Alaska. The second is about nesting Puffins on Machias Seal Island off the coast of Maine. You may recall Morris's accounts of his trips to Maine and Alaska in his "Field Notes" column. Now you can actually see some of the wonders he describes.

#### Dec 9 (Tuesday) 7:30 P.M. Oxbow meeting at the Lawrenceburg Public Library.

Morris will repeat his November program (see above) for those who couldn't make it to the world premier of his videos. Don't miss the eagles, the puffins, and Morris' stories!

### Field Trips

#### Nov 2 (Sunday) 9:00 AM Oxbow field trip

Meet Steve Wagner at the upper boat ramp at Shawnee Lookout Park. (You'll need a Hamilton County Parks Motor Vehicle Permit). Steve will enjoy an autumn walk and look for fall migrants.

December field trips: join one of the area's Christmas Bird Counts. Contact the organizer at the phone number indicated for information on meeting time and place.

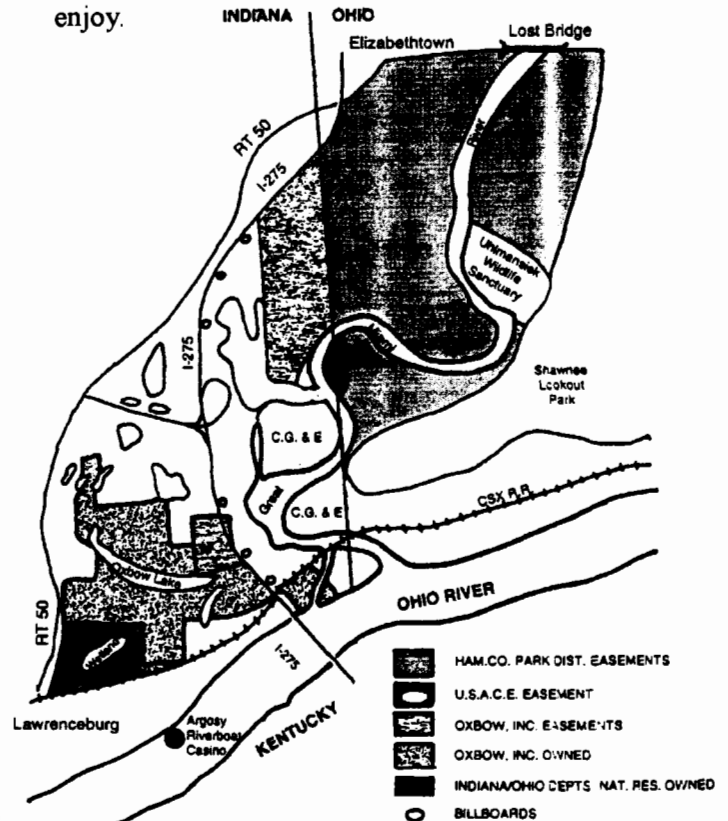
The Ohio River Count December 20<sup>th</sup>, (Joe Bens 221-1835); Western Hamilton County Count December 21, (Ned Keller 941-6497); Eastfork Lake Count December 27 (Joe Bens 221-1835); Cincinnati Count, December 28 (Jay Stenger 522-4245).

Imagine you're driving over the I-275 bridge from Kentucky to Ohio. Just as you cross the river, you look down to the right at the land on the bank of the river. There's a corn field and a row of trees. You're looking at Oxbow's newest purchase.

In September, Oxbow, Inc. of Indiana and the Weatherford family of Aurora, Indiana, came to an agreement on the purchase of their property. This parcel includes 30 acres of land in the floodplain. The deed describing the parcel includes an additional 30 acres in the Ohio River that was dry (sometimes, at least) before Markland Dam raised the level of the river.

The purchase brings the total of land owned by Oxbow to 407 acres. With the land on which Oxbow holds conservation easements included (258 acres) Oxbow now protects some 665 acres of seasonal wetlands in the floodplain of the Great Miami and Ohio Rivers.

Oxbow thanks the Weatherfords for helping preserve this unique area for future generations to enjoy.



## President's Report

As the year draws to its conclusion, a look in retrospect and a look to the future seem appropriate

Four years ago the Oxbow faced the most threatening challenge yet to its existence. Going on the assumption that a straight line is the shortest distance between two points, the Casino operators who flooded into Lawrenceburg envisioned an elevated ramp from I-275 to the Ohio River, and passing directly through the heart of the Oxbow. This concept was completely unacceptable to Oxbow, Inc. but gaming corporations have deep pockets and very influential connections. The fear was that, in reality, the whole Oxbow we've worked so hard to protect could be lost.

### Plan of Action

In the fall of 1993 voters in Dearborn County narrowly passed a referendum sanctioning casino gambling in the city of Lawrenceburg. A number of steps had to be taken quickly to strengthen Oxbow's ability to deal effectively with the casino operators.

1. Good legal representation was the top priority.
2. A survey was needed to legally establish the boundaries of our holdings.
3. A professional environmental assessment of the wetland ecosystem had to be commissioned to enable the Board to make well-informed decisions.
4. A corporate policy had to be formulated and adopted.

The Board of Trustees determined that Oxbow, Inc:

1. Would not obstruct economic development.
2. Would be non-confrontational.
3. Would be a willing listener open to casino agent suggestions.
4. Would not endorse any gaming company.
5. Would work closely only with the gaming company granted a certificate by the Indiana Gaming Commission.

It was important for Oxbow that the casino operators realize that their project must be developed with as little damage to the Oxbow as possible and that care be taken to hold the environmental impact to a minimum. However, to have a maximum effect, the message should not come from Oxbow, but from the

Indiana Gaming Commission. Your letters to the Indiana Department of Natural Resources, the Indiana Department of Environmental Management, the U.S. Army Corps of Engineers, and the chairman of the Indiana Gaming Commission caused this to happen. At the hearings in Indianapolis the commissioners questioned every applicant closely as to how their project would effect the Oxbow wetland ecosystem. The I.G.C. invited Oxbow, Inc. to attend the hearings and also allowed us time to present our concerns.

### Getting to Know You

Argosy Gaming Company was granted the certificate for operation in Lawrenceburg. It was time to meet their team and begin negotiations. Progress meetings were held to keep communication lines open on the many-faceted issues. Concerns affecting both Argosy and Oxbow were exchanged and discussed. In addition to dealing with Oxbow, Inc., many things were required of Argosy. The Indiana Department of Natural Resources and Department of Environmental Management had to endorse their plans and procedures; state and federal requirements had to be met for core sampling, archaeological surveys, water quality and hydrology surveys, and mitigation for destroyed wetlands.

The U.S. Army Corps of Engineers was the body that would ultimately grant or deny them a permit to operate. As far back as 1985 Oxbow, Inc. has dealt extensively with these organizations. All are very aware of the uniqueness and sensitivity of the area and give high priority to its protection.

Argosy far exceeded the legal requirement of one-for-one mitigation by contracting with Earth Source of Ft. Wayne, IN. to construct a 25 acre wetland mitigation for five wetland acres destroyed on the Ohio River by their boat docking facility. This will be the largest constructed wetland in the State of Indiana. The mitigation site is located on 103 acres owned by the Lawrenceburg Conservancy District and the entire site is now protected in perpetuity by a conservation easement held by the Corps of Engineers.

## Billboards

I think that I shall never see  
A billboard lovely as a tree.  
But is the billboards do not fall  
I may not see a tree at all!

As a spin-off from the riverboat casino operation, the Indiana Department of Natural Resources found itself deluged with 57 requests for billboard permits, all located between the OH-IN state line and the city of Lawrenceburg. To combat this visual pollution Oxbow, Inc., the River Hills Group Sierra Club, and representatives of Native Americans joined together to reduce the numbers and lessen the environmental impact on the Oxbow area. As other companies dropped their requests for permits, Whiteco-Metrocom, requesting 52 locations, emerged as the people with whom we would negotiate.

The billboard code then in existence necessitated Whiteco-Metrocom to request a variance from the Dearborn County zoning board. Whiteco-Metrocom's legal representative proved to be cooperative and made every effort to meet the individual concerns of each group. After negotiations from April through September 1996 reduced the number of billboards to 15, Whiteco-Metrocom felt they had the backing needed to appear before the zoning board for the variance. The board denied the request resulting in the company filing suit in county and federal courts, naming the commissioners and, as respondents, Oxbow, Inc., the Sierra Club, and the Native Americans, claiming the existing code was unconstitutional as it denied them the right to conduct business.

In an effort to settle out of court, negotiations were begun again, this time with a successful outcome. Both the state and federal suits were dropped. A new billboard code was written and adopted that included a cap on the number of billboards permitted in the county. Whiteco-Metrocom settled on a final figure of six billboards along I-275 from the OH-IN state line to the Kentucky bridge and agreed to remove two existing billboards. A programmed satellite control turns off sign lighting at midnight.

### A look ahead

The Oxbow had 1,541 protected acres when the riverboats came to town. We have succeeded in keeping those acres uninvaded and environmentally safe. The Oxbow has gained an additional 103 acres of protected land via the Corps-held conservation

easement on property that Oxbow, Inc. would never have had the opportunity to secure.

A 25 acre wetland with aquatic plants, mudflats, grasses and trees is to be monitored for viability over the next ten years, adding new habitat for wildlife.

Oxbow of Indiana, Inc. has recently purchased 60 acres strategically located at the confluence of the Great Miami and Ohio rivers.

We have successfully held billboards in the Oxbow area to a minimum.

To date, protected acreage has increased to 1,704 acres.

Although there are still pending projects that continue to threaten the Oxbow, we feel confident that the experiences of the past four years have added stature and maturity to Oxbow, Inc. and have given it the reputation of being an organization willing to listen and able to compromise; a reputation as an organization that will not be coerced from the high moral road, that will not relinquish what has been gained, that will always honor the commitment to represent the interests of our members to the best of our ability.

I feel very proud that Oxbow, Inc. is able to make this successful report to you. We have come out with more than we went in with and that is good. There are pieces that are still missing, habitat still waiting to be protected. I look forward to fitting those pieces into place, little by little and bit by bit.

My personal thanks to you and all Oxbow members for your continuing support.

Norma L. Flannery,  
President, Oxbow, Inc.

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# Oxbow Memorials

**In memory of**  
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Smokey Cronan

Ida Emmons  
Julie Godsey  
Isabel Landman, GOYA  
Patrick McKay  
Bob Otten  
Rascal Quinlan

**Donor**

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and Nell Vosmer  
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Norma L. Flannery  
Rosemary and Bill Farrell  
David and Kirstin Skidmore  
Joseph and Joan Metze  
Oak Crest Animal Hospital,  
Cheryl DeVine, D.V.M.

## Oxbow Tributes

**In honor of**  
Edie and Charley Harper —  
50<sup>th</sup> Wedding Anniversary

Jim Simpson

**Donor**

Dr. Robert G. Kaley, II  
  
Kendra H. Dearth

## Election of the Board

Members of Oxbow's board of trustees serve three-year terms; approximately one third of the board is elected at the first Oxbow members' meeting of the year.

This year, Oxbow especially needs volunteers who can fill the role of Treasurer and Newsletter Editor. If you would like to nominate someone you know who has time, energy, and enthusiasm to devote to the Oxbow cause, ask them first and then communicate their name to David Styer. He serves as Oxbow's nominating committee.

The next election will be at the start of the meeting on 13 January 1998 held at the Cincinnati Zoo's Education Building.

## Moving?

Please send your change of address information to:

Oxbow, Inc.  
P.O. Box 43391  
Cincinnati, Ohio 45243

The Post Office will not forward your Wetland Matters.

**Field Notes**  
**Morris Mercer**

The big story in the wildlife department for late August and early September was the appearance of a Swallow-tailed Kite. The bird remained in the area for several weeks, so many people got to see it. You might expect to see a kite along the Gulf Coast, but not over Tanner's Creek in Lawrenceburg, Indiana or Petersburg, Kentucky. Swallow-tailed Kites hunt and feed on the wing, and ours put on a good show. I met people from Dayton, Toledo, and Chicago who came to watch the bird fly. I didn't talk to anyone who saw the Kite at the Oxbow, but I saw it within a mile of the Oxbow, and several people saw it from the Oxbow.

In mid September Frances and I attended a reunion in Minneapolis. It was the old gang of marines I served with in the Pacific during World War II. There are fewer of us each year, and we all move much slower that we did back then. I said to Frances, "Can you picture us now with a full pack, steel helmet, and a rifle, climbing over the side of a ship, down a cargo net to a bobbing landing craft?" It wouldn't be a pretty picture.

Before I went to the reunion I'd asked Darlena Graham to lead an Oxbow field trip while I was gone. After I got back, she called to report on her trip. She said they's seen an Avocet and many wading birds. At a stop at Beaver Pond, a fisherman flushed a flock of Black-crowned Night-heron. She said that after she got over the surprise of seeing so many of them she thought "Oh! I should have counted them!" Her husband said he'd counted 53. The field trip also encountered Palm Warblers, Horned Larks, and many other birds. She said it was a nice trip.

Dave Styer and I made a late evening trip into the Oxbow a while back. It only confirmed that this has been one of the best late summers we've ever seen. We saw more than 50 Great Egrets, Great Blue Herons, Double-crested Cormorants, and many Black-crowned Night-herons, Green Herons, a Little Blue Heron, several species of shore birds, and more than a dozen Wood Duck. We didn't manage to find the Snowy Egret that had been reported in the area.

Another evening Jim Simpson and I stopped at the Oxbow and made it to the Beaver Pond just as the sun disappeared below the horizon. What a beautiful picture was before us. More than 30 egrets lined the edge of the pond, standing in shallow water just off the bank. While we stood there a deer came out of the willows and, after taking a drink, began to walk along the shore. Through the telescope I could see the deer splashing water on the legs of the egrets as it waded

past. The birds didn't seem to mind. In fact, they completely ignored the deer.

There was a commotion over on the east side of the pond as two deer high-tailed along the water's edge. The waders paid little attention, but a flock of Blue-winged Teal flushed and circled out toward the Great Miami before returning to settle in a little cove. After a little flipping and some feather adjusting they went back to feeding.

We talked about what we had seen and about how fine a summer evening it was, perhaps the last hot evening of the season. One thing the cold weather will do is bring an end to the skeeters. I'd VOTE OF THAT!

As twilight closed in an occasional Night-heron squawked as it flew low across the water hole and a Great Blue Heron was outlined against the sky. It was just there the evening before that I'd stood and watched the Harvest Moon come up as a big orange disk about the size of a bushel basket. The mist rose from the water and I thought there might be ghosts or goblins in the corn field — or at least there would be soon. After all, in another three days, it would be Autumn.

My trip home that evening took me over Cliff Road. As I came up to overlook the big north bend of the Ohio, there was the moon and its long, golden, shimmering reflection in the river. What a beautiful night.

Jim and I took the same road home but the moon was smaller and rose later. I hope the Oxbow will remain much as we experienced it tonight, with the only change that of the seasons. There is so much to see and enjoy, lets keep the Oxbow as it is.



### 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   |
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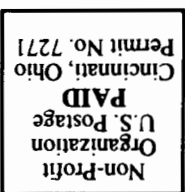
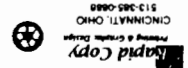
### Corporation Officers

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Vice President, Morris Mercer (513) 941-2534  
Recording Secretary,  
Dennis Mason (513) 385-3607  
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Treasurer, Mark Westrich (812) 637-2175  
Agent, Dave Styer (513) 772-1287  
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### Committee Chairpersons

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Richard Pope (513) 637-1365  
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Wetland Matters, the newsletter for members of Oxbow, Inc., is published bimonthly.



**Need a Speaker? Give Us a Call!**

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CINCINNATI, OHIO 45243

