



Ripples

A Publication for Members and Friends
Killbuck Watershed Land Trust

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Land conservation has its own language

Dear Reader,

Trying to keep up with terms, acronyms and the multi-faceted glossary of special interest organizations can keep a person reaching for a dictionary to help decipher what we are reading or listening to. When, for instance, we serve a term as a board member of a community agency it is not unusual to be perplexed by the terminology for as often as a year or more. The professionals in charge know exactly what they are talking about, but the layperson may feel we are in a foreign country and it takes time to begin to understand the language.

The world of land conservation is no different – we rattle off organizational phrases, initials of groups that help us with our work and many other shortcuts of speech with which we are familiar but which may leave others lost in the woods, so to speak. With this issue of Ripples we begin a regular column to define many of the expressions we use on a daily basis, and we hope it will help eliminate much of the confusion surrounding land preservation issues. Warning: This is NOT in alphabetical order.

Land trust - A private, nonprofit organization that qualifies as a charitable organization under Section 501c(3) of the Internal Revenue Code. A land trust may receive donations of property, development rights, or money. Donations may qualify as tax deductions. A land trust also may purchase property and development rights.

The Killbuck Watershed Land Trust (KWLTL) - That's us, one of at least 40 land conservation organizations in Ohio that work with landowners to protect their property in perpetuity (forever). We assume the stewardship responsibility to manage the lands in our care at the time a conservation easement is created and recorded.

Conservation easement - A legal document recorded in the county in which the land is located that restricts the use of land to farming, open space, or wildlife habitat. A landowner may sell or donate an easement to a government agency or private land trust. A conservation easement generally precludes future or additional development of the land. It is entirely voluntary. The owner, and future owners, retain all other rights that belong with the property.

Land Trust Alliance (LTA) - The "mother" organization that provides standards and guidelines to which most legitimate land trusts adhere. The LTA provides
See LANGUAGE, Page 4



Can you help on Feb. 19? Another volunteer work day is scheduled for KWLTL's unique Brinkhaven Oak Barrens Preserve in southwest Holmes County. See Page 4 for details.

Promoting, protecting and preserving our natural heritage

Two opinions as Utica Shale boom engulfs us

Look before you lease your land for drilling

“As a man is said to have a right to his property, he may be equally said to have a property in his rights.”

This quote by James Madison is a great example of how our founding fathers understood that ownership of private property provides the foundation for prosperity and freedom. So they protected property rights – the right to freely purchase, to use, to manage and to dispose of it – through the Constitution with help from the Fifth Amendment. As a result Americans enjoy the privilege of landownership on a level most of this planet’s inhabitants could only dream of.

But what do Constitutional rights about property have to do with activity in Ohio’s Utica Shale? Simply put: if you are a landowner and own mineral rights, then you have some important decisions to make in regard to whether or not to lease your property.

Our founding fathers ensured we had the right to own property; they couldn’t ensure we would use the right wisely or be good stewards of our property. And they certainly couldn’t prevent others from trying to mislead or take advantage of our right.

I support the development of the

Utica Shale in Ohio as long as the lease is with a reputable oil and gas company and there are stringent provisions in each lease to protect the land and water. Here’s why: as a nation we must increase our domestic sources of energy. If we don’t our children and future generations will be serving those who do.

There is no silver bullet capable of providing us with the domestic energy this country will need to prosper but there is a silver buckshot. Part of that silver buckshot is the oil and gas contained in the Utica Shale.

Because of the material’s exposure to heat in the Earth’s core, the depth of the Utica Shale decreases as it extends west into Ohio. Toward the Pennsylvania border the shale contains what is referred to as “dry gas” play. To the east of I-77 it turns into “wet gas” play; to the west of I-77 it simply becomes “oil” play. With natural gas prices plummeting from an increase in supply, there has been a shift of interest from the wet gas to the oil. Holmes, Wayne and Coshocton counties fall into the “oil” play category.

Permits had been issued to 51 Utica Shale wells in Ohio as of Dec. 1, 2011 with additional permits filed weekly.

Eight wells were being drilled or had already been drilled. Reports of drilled wells by companies such as Chesapeake, LLC are mind blowing. Even if the reports were exaggerated to trump foreign investors, as some local oil and gas producers suspect, the potential amount of oil and gas from these early wells has caught the attention of some major North American companies making them eager to cash in on the play.

Landsmen representing oil and gas companies already have begun to arrive in Holmes, Wayne and Coshocton counties. Their job is simple: pound on as many doors as possible to get landowners to act impulsively, leasing their land for the lowest price possible. Initially the offers they make may sound enticing but the verbiage in such leases will do little to protect the current and future landowners who will be bound to the lease for decades to come.

If you haven’t signed a lease and are contemplating doing so, or even if your property is held by production, I encourage you to join your local landowners association. At the very least, seek professional legal advice before committing to anything.

Bob Hunter, KWLT Trustee

Toxic fluid storage needs closer monitoring

The disposal of toxic liquids safely – isolating them for the long term from our environment – has long been a problem for society. Pumping the fluid through a well bore into a deeply buried, porous rock formation for permanent storage has been one solution commonly used by geologists and engineers for many years.

In most cases the fluid is pumped under great pressure down a steel pipe in an abandoned oil well, forced into the porous formation for storage at depths of thousands of feet. To prevent the fluid from leaking into overlying water-bearing strata and causing pollution, cement is forced between the steel

pipe and the solid rock wall creating an effective seal. If done properly this can be a safe, cost-effective solution for permanent storage.

Two classes of failure are associated with this technique of storage. Most commonly, the cement bonding in the well bore fails and toxic fluid can leak upwards to areas of lower pressures, polluting ground water. Disposal wells are monitored by state inspectors to see that they meet safety standards for fluid isolation and any cement failure can quickly be identified and remedied. In rare instances the pressure used to force toxic fluid into the storage layer is excessive and breaks the rock particles

apart, destroying the cohesiveness of the layer so overlying strata can shift slightly. The shifting is noticed as local, small earthquakes that are not destructive. Correcting this problem involves the immediate cessation of fluid injection and then perhaps pumping out some of the overpressured liquid for storage elsewhere. This long-used technique of fluid storage should continue to be used but monitored more closely. Other systems of storage are prohibitively expensive and will inevitably increase the cost of oil.

*Dr. Samuel Root,
Retired Professor of Geology
The College of Wooster*

Life is ever changing along meandering Salt Creek

For over half a century I have been watching and charting the changes of the spring-fed creek which has its headwaters near Mt. Hope and Calmoutier and empties into the Killbuck Creek north of Holmesville—the life within its waters and along its edges. Salt Creek is fast flowing, dropping nearly ten feet per mile, so naturally there are numerous riffles in its meandering course. When we travel from our farm to Holmesville, a distance of around eight miles, we cross Salt Creek nine times.



The changes in the waterway I've observed have been mostly negative. Gone are the smallmouth and rock bass, the black suckers and stone rollers. The first year of our marriage, my wife Elsie, who wasn't from a family of fisher persons, caught a 15-inch smallmouth in one of the deeper holes. During their spawning season the bass would claim the better pools and send the other species — mostly shiners and horned chubs — packing. Dad had taught us boys to wait for a rain to muddy the waters and then drop a hook baited with a minnow into the pool and the bass was yours. It was so easy that we quit the practice because it didn't seem like a fair chase.

Black suckers would bite only in early spring and then quit feeding on earthworms. The stone rollers, also in the sucker family, never bit. They would rest and likely feed, headed into the riffles and there remain motionless for hours unless spooked by someone or something, when they would quickly turn and shoot for the safety of the deeper water.

Also gone are the freshwater eels, those foot-long snake-like creatures that would be impossible to catch with your bare hands. We boys fully understood where the term "slippery as an eel" originated.

Likewise, the freshwater mussels have left the waters of our farm. In March and April, when the water was clear and cold, the single-footed track of the mussel could be seen on the silty bottoms of the slower moving stretches of the creek. Occasionally we would find a broken mussel shell along the

edge where a raccoon had dined on the mollusk.

Not all is lost however; three new travelers have arrived in the last twenty years and now make the creek their home. One is the mink. During the Great Depression and the war years the sale of mink pelts put food on tables. For many years there simply were no mink around in this farming community. My brother caught one in the 1960s. Now the sleek animals are common and the muskrat has become rare. Mink feed on muskrats.

Another newcomer is the soft-shelled turtle. I saw the first one, actually a pair, two years ago. I have been told that the arrival of the soft shell is not a good omen because they tend to inhabit poorer quality waters. A better sign is the tail feather of a wild turkey I found along the creek this summer. This is the first evidence of the big bird's return to our farm after an absence of more than 150 years.

What has caused the decline of the life in the creek? There are a number of possible reasons. Channelization upstream tends to speed up the flow of water during heavy rains and thus fills in the fishing holes and tears out streamside vegetation and piles of driftwood. Agricultural practices have changed a great deal in the last five decades — more pesticide use, more livestock grazing on stream banks, and water drawdown during the summer months, especially in dry years, for irrigation have definitely contributed to the losses.

But all is not lost. While most of the changes have been in the waters of the creek, life along its edges remains rich in flora and fauna. Belted kingfishers and rough-winged swallows nest in burrows in the cutoff banks, dragonflies course the streamside, damselflies flit back and forth from stone to boneset, 'coon and deer tracks cross the sandbars, schools of minnows again swim in the shallow pools, the water flows clear and there are fewer algae blooms — and walking in its presence remains pleasurable.

David Kline, KWLTL Trustee

Linda Bush will donate book profits for Land Trust use

A year-long voyage around "the Great Loop" was a once-in-a-lifetime adventure for KWLTL Secretary Linda Bush and her husband Dave. They set sail from Hilton Head, South Carolina in March 2010 on their 65-foot Fairline yacht, Sea Hawk III.

They traveled up the Atlantic Coast, through the Erie Canal to the Great Lakes, down the Mississippi River and the Tom Bigbee waterway to the Gulf of Mexico and then around the southern

tip of Florida. Picking up family and friends along the way to help crew the watercraft, Dave and Linda visited with old friends and made many new ones as they navigated the more than 5,000-mile route.

"A Seed, A Dream, A Boat" is a collection of Linda's Captain's Log entries describing their voyage and the places they visited. Linda will sign copies of her new book on Saturday, Feb. 4, at 2 p.m. at The Wooster Book Company,

205 W. Liberty St., Wooster.

Thanks to Linda's support of land preservation, all profits from the sale of "A Seed, A Dream, A Boat" will benefit KWLTL. The \$20 book is available exclusively from The Wooster Book Company.

"The seasons turn. Hang on. We are off for another ride."

*John Hay from an essay,
"Living With Trees"*

Volunteers vital to maintain unique Brinkhaven Oak Barrens

Brinkhaven Oak Barrens Preserve is one of Killbuck Watershed Land Trust's best keep secrets. Tucked into the southwest corner of Holmes County, the 114-acre property is bordered on the east by the Holmes County Trail recreational corridor.

At their January meeting, KWLTL trustees heard a report from Don Beam who manages the property with the help of family and volunteers. During two November weekends more than a

dozen volunteers working under Beam's direction removed encroaching brush and limbs, continued posting boundary markers, and cleared a designated fire break.

As small trees were cleared with loppers and saws, state botanist Rick Gardner (in Page 1 photo) painted the cut stumps with an herbicide to inhibit growth. Gardner has been active in the Barrens, working with Beam since well before KWLTL purchased the property in 2004.

Keeping the prairie opening and its surrounds clear of brush enables rare plant species to propagate. Among the plants found at the Barrens are King Devil, Butter-and-Eggs, Scot's Pine, Umbrella Sedge, Bicknell's Frostweed, Ciliate Tick-trefoil, Canada Bluegrass and Purple Threawn Grass.

The Barrens' unusual fauna includes the Edward's Hairstreak butterfly, once thought to be a threatened species. Red Appalachian ants in huge ant mounds tend the larvae and receive sweet nectar. The larvae, in turn, feed on the leaves of black oak trees.



Beam has scheduled a work day at the Barrens for Sunday afternoon, Feb. 19. **Weather permitting**, volunteers should meet at 1 p.m. in the Barrens parking lot along Township Road 13, west of the Holmes Trail's historic stone railroad bridge (pictured below).

Beam is making an appeal to hardy outdoor lovers who don't mind pushing through the brush and bringing their own saws and loppers as well as work gloves and protective clothing. Beam will drive volunteers from the parking lot along an old trail to the work area. Think primitive, with no on-site privy!

If you can volunteer please call Beam at 330-601-6192 to confirm your participation. He will provide you with specific directions to reach the Brinkhaven Oak Barrens property.

Melody Snure, KWLTL Administrator



LANGUAGE

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training sessions and materials which are very helpful to us. An offshoot of LTA is:

Coalition of Ohio Land Trusts

(COLT) - This organization typically holds two meetings a year, spring and fall. We attend and learn a lot. It is a great way to interact with like-minded organizations and to keep abreast with legislation and other trends which may affect the work we do.

There's more terminology to come in future Ripples, but if you're talking with us about a conservation easement and get lost in the language please ask for an explanation. This is such an important decision – we want everyone to be comfortable.

Maryanna Biggio, KWLTL President

Your KWLTL membership helps to conserve area lands

Your membership in the Killbuck Watershed Land Trust helps to maintain the rural atmosphere that has made our area a desirable and unique place to live.

Your annual membership dues are used for:

- Conservation education
- Public outreach
- Land acquisition and management
- Legal action to monitor and maintain conservation easements

Annual membership levels are:

- Friend, \$50
- Steward, \$100
- Conservator, \$250
- Protector, \$500

To become a member, send your check made payable to Killbuck Watershed Land Trust to Ronald E. Holtman, Killbuck Watershed Land Trust, 2171-B Eagle Pass, Wooster, OH 44691. Killbuck Watershed Land Trust is a tax-exempt organization pursuant to Section 501(c)3 of the Internal Revenue Service Code. Donations are tax deductible.

Find great resources at www.killbucklandtrust.org

The Killbuck Watershed Land Trust web site features valuable information for people who have an interest in supporting land conservation.

The Documents tab on the home page (www.killbucklandtrust.org) has sample documents including a Deed of Conservation Easement and a Deduction for a Conservation Easement, as well as IRS Form 8283 for Noncash Charitable Contributions.

To better understand the need for land conservation advocacy and action, be sure to view the PowerPoint presentation "Walking the Land With Your Uncle." Find it in Documents.