



Ripples

A Publication for Members and Friends
Killbuck Watershed Land Trust

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In our Fall Issue:

*College students
marvel at treasures
of Fern Valley tract*

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Success!

Many opportunities and challenges lie ahead

Dear Reader,

We are thrilled to publish our first Killbuck Watershed Land Trust newsletter! You may be receiving this electronically or in hard copy. Either way, we are grateful to have the professional assistance of Melody Snure, a journalist and enthusiastic supporter of our conservation efforts. She is the director of Gault Family Learning Center in Wooster. Melody will keep us on track to meet deadlines and get as much news as we can for our landowners and friends in each issue.

We admit that we have done a poor job of keeping in touch with our land trust community in the past, but this will change!

As you know, the KWLT is a non-profit organization dedicated to the permanent preservation of land and run by an all-volunteer Board of Trustees. We accepted our first conservation easement in 2001, 40 acres on the Phil and Judy Kocab farm in Ashland County. Today we are stewards of more than 3,800 acres of productive farmland and important natural areas. These properties are in Wayne, Holmes, Ashland, Richland, Coshocton and Tuscarawas counties.

We also have accepted the monitoring responsibilities for approximately 1,400 acres in the Clean Ohio Agricultural Easement Purchase Program. In addition we own, either by purchase or bequest, another 180 acres (please see the article by Don Beam in this issue on the Oak Barrens at Brinkhaven). We collaborate with The Wilderness Center on fund-raising projects and land issues and we look forward to future partnerships with them.

You could say our success is a wonderful dilemma that presents challenges for the future. We have begun discussions on creating a paid staff position and becoming accredited with the Land Trust Alliance of which we are members. Accreditation is something every reputable land trust aspires to and is at least a three-year endeavor.

We feel these goals are an absolute necessity and the board has stated a commitment to pursue the means to accomplish them. You know what that means – money! Each of us on the board admits to discomfort when it comes to asking for money from our community of friends, but “Somebody’s gotta do it!”

We will be asking for your support for the Killbuck Watershed Land Trust and hope you will respond positively. Thank you in advance!

We are open to ideas for future articles and invite anyone to be a contributor to this newsletter.

Sincerely,

President
KWLT Board of Trustees

“There is a lot to be said for a task that broadens your education every day. And next to your own children, what better legacy can you leave posterity than a productive piece of land that delights the eye of the beholder and will help nurture the generations to come.” Richard Ketchum

Promoting, protecting and preserving our natural heritage

A Tale of Two Farms

Two farms in my neighborhood have taken diverging paths - one by choice and the other by partial neglect. I have known both farms all my life and have been intimately acquainted with them in sharing work with the owner/tenants since I was 14. I also shared eight years of public one-room school with pupils living on both farms. Their parents earned their livelihood from the fertile soils of those farms.

Both farms, one 80 acres and the other 40 acres, are along a small side road that I call the "restorath-my-spirit road," one of the most secluded passageways in our rural township. Along the edges of this winding little road wildflowers and a myriad of other flora and fauna (sometimes marijuana, which went into the silo with the corn) flourish almost unfettered.



The 80-acre farm is owned by a wise man who knows and loves the natural world we all inhabit. He also fully understands that 99.9 percent of the food the people of this nation depend upon comes from the top six inches of good soil, so he prudently put his farm into a conservation easement with the Killbuck Watershed Land Trust. He wants to keep his farm and its soil as a food producer; a place that someone lives on and cherishes, not merely where they reside.

A single man owned the 40-acre farm. In February he passed away and left an improperly signed last will and his

wishes for the farm. As so often happens in cases like this, the extended family could not agree on a private settlement. As I write this, pink surveyors' ribbons are cropping up among the wingstem and chicory and my neighbor told me it will be divided like a chunk of meat and sold at public auction.

Now instead of wildflowers, the land will likely sprout the new genetically modified bluegrass lawns where all the clovers and other unwanted forbs can be cleverly controlled with Roundup. I don't even want to imagine what all will be lost.

For once I wish Bill Gates was my brother and had the vision and wisdom of the owner of the 80-acre farm next door in caring about preserving farmland for future generations.

David Kline, KWLTT Board of Trustees

Pondering a lease? There's strength in numbers

On November 23, 1931 my great-great grandparents leased the oil and gas rights on two parcels of our family farm. The simple one-page lease assigned all oil and gas below the ground. Eighty years and six generations later the lease remains intact.

Two wells were drilled, one on each parcel of land. The wells are now owned by a company in Birmingham, Alabama, and the deep rights below those wells are owned by a company in Oklahoma. No royalties have been paid in more than half a century. Both wells are still legally owned by these companies, along with every drop of oil and gas below them to the center of the earth. All this is based on that one-page lease family members signed 80 years ago.

Landowners are still signing leases today and will continue to sign leases. It is a fact of life, and it is not going to change. What does need to change is the type of lease they sign. Lured by huge signing bonuses, most landowners have no idea what rights they are giving up or the enormous consequences they and their families will have to live with for years to come. To put it simply, these leases last lifetimes. Generation after generation will be held by them. Today's oil and gas leases are not your one-page lease of years ago; they are multiple pages with language only an experienced oil and gas attorney can understand.

With the recent drilling boom in eastern Ohio heading westward, several landowner groups have been organized in our area. Their focus is to level the playing field between landowners and the oil and gas industry. I'm associated with the Killbuck Valley Landowners' Association, an indigenous group of landowners from Holmes County and northwestern Coshocton County. Our mission is simple: we believe that by



educating and organizing as many of our neighbors as possible, they and their neighbors will be able to obtain the best possible compensation for the natural resources that lie beneath our property. In addition, we can demand the most stringent protection of our environment. Experience indicates that gas producers are willing to make binding commitments to protect the environment when bargaining for a large block of acreage. There is strength in numbers.

The media has focused attention lately on the pros and cons of shale drilling in the Appalachian Basin. Landowners who are thinking about leasing need to educate themselves from multiple sources. Great concern and confusion have resulted from the confrontational and often exaggerated rhetoric surrounding issues related to horizontal shale drilling. Get the facts, do your homework, and don't sign anything before an experienced oil and gas attorney looks over the lease.

The silver lining I see is the potential to stem the tide of land fragmentation. Look around at all the farms that are being parceled off and sold. In most cases the farms have reached the generation that can no longer afford to keep them, or whose priority is to sell the farm, take the money and run. With the potential for large and long-lasting royalties, landowners may now think twice about selling off the farm in multiple parcels. Instead, the next generation may no longer have the excuse that the old family farm is too much of a financial liability to keep. Hopefully they may find the opposite is true: the old family farm is too valuable to let go.

Only time will tell how all of this will play out. Here's my advice: As a landowner, keep your options open. And again, don't sign anything without first getting legal advice.

Bob Hunter, KWLTT Board of Trustees

Why should I consider a conservation easement?

We are often asked why anyone would permanently restrict their land by conveying a conservation easement. The answer generally follows two lines of thinking:

1) The family farm often represents a multi-generational enterprise handed down from parent to child and beyond. Over the years its primary asset, the farmland, typically continues to appreciate, especially if the surrounding area becomes subject to developmental pressures. A conservation easement can produce substantial income and estate tax concessions which can help foster continuation of the farm.

2) The desire to permanently protect the land is driven by the owner's love for agriculture and open space. Landowners recognize the value of farming as an industry and the importance of maintaining a high quality of life outside urban areas. The "intangible" of preserving open space often drives the desire to protect the land, regardless of the tax benefits.

What are the tax benefits available to persons donating a conservation easement?

Generally, conservation easements are legal agreements in which the owner of real property agrees to voluntarily restrict the use or development of the land to a conservation purpose. The income tax deduction for such easements was made a permanent feature of the Internal Revenue Code in 1980 as a result of Congress's recognition that "the preser-

vation of our country's natural resources and cultural heritage is important, and that conservation easements now play an important role in preservation efforts."

The value of an easement, for tax purposes, is determined by a formal appraisal. In general terms, the appraiser determines the value of the land restricted for farming/open space and the value at the land's highest and best use. The difference between these two values is the value of the easement.

To encourage conservation easements, the IRS grants an income tax deduction for the value of the easement up to the excess of 50 percent of the donor's "contribution base" (generally a taxpayer's adjusted gross income) over the amount of all other allowable charitable contributions.

A qualified farmer (a farmer who receives more than half of his income from farming) may deduct up to the excess of 100 percent of his contribution base over the amount of all other charitable contributions. Any unused portion may be carried forward a maximum of 15 years.

These rules are in effect until the end of calendar year 2011. Legislation pending in Congress may extend these rules beyond 2011.

In addition to the income tax deductions, there are significant federal estate tax deductions/credits available to donors.

Donors should carefully consider these matters in consultation with their own legal and tax advisors.

Prairie flourishes at Brinkhaven Oak Barrens Preserve

While scores of bicyclists and walkers pass it every day along the Holmes County Trail, the Brinkhaven Oak Barrens remains largely unknown. Killbuck Watershed Land Trust purchased the 114-acre property in 2004 using grants from the Clean Ohio Program as well as private contributions.

What has become the Preserve was discovered in 1995 when Wooster High School science teacher Randy Carmel pedaled past several intriguing openings adjacent to the Holmes County Trail. He got off his bicycle and explored the unusual tract of land, delighting to find a true Ohio prairie tucked along the trail near Glenmont.

A private group of conservationists unsuccessfully attempted to purchase the land at auction in 2003. "Everything fell into place," as Preserve manager Don Beam described it, after the land trust was able to leverage Clean Ohio funds to purchase and protect the ecologically significant land.

An 81-acre parcel is predominately oak woodland with a prairie barren-like opening of a little more than five acres.



The soil type where the barren occurs runs another 25 acres. With proper management by Beam and volunteers under his direction, the current barrens will expand over time, enhancing the rare plant communities found there. The parcel, whose southern edge borders Township Road 13, has a parking area for Trail access.

The adjacent 33-acre parcel abuts the western edge of the Holmes County Trail corridor. It has mixed oak woodland with a much higher quality barren of roughly the same five-acre size.

The parcel has several access points from the Trail and is posted with signs denoting ownership by KWLTL. One

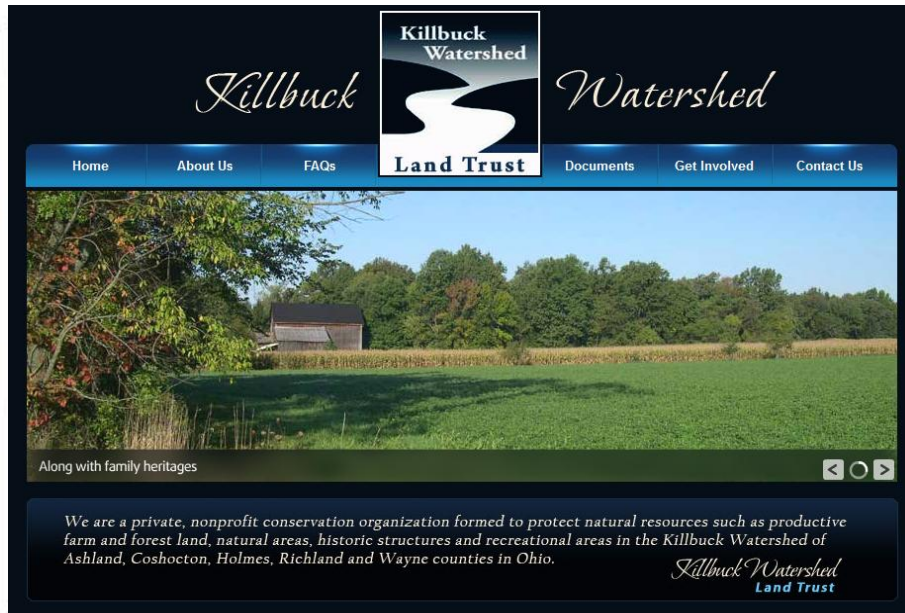
would make an excellent interpretive entry point, with educational signage and split rail fence to deter access by motorized vehicles.

KWLTL trustees hope that someday soon Brinkhaven Oak Barrens will interact with the larger community through recreational activities and conservation projects involving area schools and various conservation groups.

Beam periodically conducts controlled burns to keep the prairie areas open. He also maintains firebreaks and rustic trail access and arranges for volunteers to monitor the area during deer hunting season. A designated fund at Wayne County Community Foundation covers the expense of managing the land.

With government dollars drying up, Beam said, public land management has become a challenge. Ownership and oversight of significant lands by conservation groups like KWLTL is "the best situation," he said, adding, "So far, it has worked out really well."

Melody L. Snure, Ripples editor



www.killbucklandtrust.org

Welcome to the Killbuck Watershed Land Trust's website! It was created using Joomla, a free, open-source content management system and application framework. We chose this technology because it is so easy to maintain. We don't have to pay a site developer every time we want to add, modify or delete our content.

The website is designed to provide information about our organization,

Frequently Asked Questions, reference documents, how to get involved and upcoming events, as well as contact information.

If you have any questions, comments or concerns, please e-mail us at info@killbucklandtrust.org and someone will respond within 48 hours.

*Dorothy Skowrunski
KWLTL Board member
and website coordinator*

Business and pleasure combine at gathering

Several dozen members and friends of KWLTL spent a sunny summer afternoon at the Wooster-area farm home of President Maryanna Biggio and her husband Tony. The group heard a presentation on hydraulic fracturing ("fracking") for gas and oil by board member Bob Hunter and retired College of Wooster geology professor Dr. Sam Root.

Hunter stressed the importance of joining a landowners' association for strength in numbers when negotiating leases (See his article on Page 2), while Root described how natural gas is extracted from shale by fracking. Dr. Root said the process is reliable but problems can result from human error.

Both speakers answered a variety of questions. This was their take-home message: Educate yourself thoroughly and consult an attorney before entering into any lease for drilling on your property.



KWLTL President Maryanna Biggio (right) looks over a map of Ashland County's preserved areas with Judy and Phil Kocab during a summer gathering of Land Trust members and friends. Biggio and her husband Tony hosted the event at their farm west of Wooster. KWLTL's first conservation easement was 40 acres on the Kocabs' Ashland County farm in 2001.

Your 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 private, non-profit conservation organization that qualifies as a charitable organization under Section 501(c)3 of the Internal Revenue Code. Donations may qualify as tax deductions.