



# Ripples

A Publication for Members and Friends  
Killbuck Watershed Land Trust

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Summer 2013

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Killbuck Watershed Land Trust  
is a tax exempt organization  
pursuant to Section 501(c)3 of  
the IRS Code.

## Land Trust office moves to new location in building on Wooster's Public Square

Dear Friends of KWLTL,

We have a new office in a wonderful old building right on the square in downtown Wooster. We are so appreciative of this great new space and location and the generosity of our landlady, Mary Alice Streeter.

Our new office address is: 133 S. Market Street, Wooster, Ohio 44691. For the time being, our phone numbers are 330-264-1712 and 330-317-2583. Our email address for now is: maryannabiggio@hotmail.com.

We are still in the process of moving in and tidying up, but we can't believe our good fortune to be able to start fresh in the historic Quinby Building that houses The Gift Corner on the first floor. It has anchored the southwest corner of the square since 1894. Please visit us any time, but be sure to phone first.

*Maryanna Biggio, KWLTL President*

**IN THE PHOTO** at the right, you can see our office (lights on) on the second floor, over The Gift Corner display windows. The door to our stairwell is at the lower left.



## Evening with the Artist is a huge success

We thank you, old friends and new, for joining us at our first "stand alone" fundraising event, "An Evening with the Artist," on May 18 at the Hotel Millersburg! The weather was perfect; the site was ideal; The Bluegrass Reunion played spiritedly to an enthusiastic crowd; the food - delicious!; and meeting wildlife artist Chris Walden plus watching him create a lovely pencil drawing of a majestic eagle was fascinating.

Finally, the main event, the live auction consisting of 10 generously donated items,

began with lively bidding among the 80 supporters who attended the event. The evening ended with some very satisfied customers.

Including the silent auction items KWLTL raised approximately \$7,500. Most importantly, we raised our presence throughout the community. We had a wonderful time and most certainly this first endeavor has laid the groundwork for future events.

See Page 4 for photos of this delightful evening in support of land conservation.

*Promoting, protecting and preserving our natural heritage*

## Notes from KWLTL's President

# Sponsorship, storms and sustainability

KWLTL is sponsoring three applications to the state's Local Agricultural Easement Purchase Program, two from Ashland County and one from Wayne County. We thank the landowners who have relied on us to successfully complete their applications, and we thank the Office of Farmland Preservation for their patience and advice walking us through this process. Hopefully we will be adding quite a bit more productive farmland to the conserved lands in our area.

- The wild storms on June 10 affected to some degree every farm in the KWLTL region and beyond. Almost all our neighbors had large swaths of corn literally lying down. Through the miracle of sun and warmth the corn is standing tall again. I could not believe how quickly those giant stalks of corn recovered on our farm, and I hope your experience is the same. Water damage in bean fields is a different story, and we are sorry to see large losses in low-lying areas. Farming is hard work with many unknowns from year to year. Mother Nature is the master.

- The dictionary definition of "sustainable" is: "of, relating to, or being a method of harvesting or using a resource (think

land here) so that the resource is not depleted or permanently damaged."

- Betsy Sparr is the director of the Wayne County Department of Planning. She has been my friend for many years. She is funny, sassy, and brilliant with her knowledge of land use issues in Ohio. She has advocated for farmland preservation and comprehensive planning with a special intent to keep the communities within the areas of the Killbuck Watershed Land Trust vibrant and sustainable.

Betsy recently sent me a New York Times article published June 26, 2013 which you may want to read in its entirety at [www.nytimes.co](http://www.nytimes.co). I asked her to interpret the article and give us a perspective of what impact this Supreme Court ruling could have on future planning issues in our communities. We will have more features addressing sustainability in future issues of Ripples. If you want to get in on this discussion, please send your comments to The Killbuck Watershed Land Trust, 133 S. Market St., Wooster, OH 44691.

Now read on to Betsy Sparr's guest column, printed below.

*Maryanna Biggio, KWLTL President*

# Florida land use case leaves questions unanswered

*Once upon a time, the St. Johns River Management District in Florida received an application from Coy A. Koontz, Sr. to fill about three acres of wetlands. Mr. Koontz wanted to fill so that a small shopping center could be constructed.*

*The District tried to negotiate a smaller fill area or an investment by Mr. Koontz in wetlands restoration projects to offset the impact of the proposed project on the environment.*

*Mr. Koontz declined those options.*

*The District denied the permit to fill. The End.*

Well, not quite. Mr. Koontz went to court claiming that the permit denial was a taking because there was no nexus, or logical relationship, and proportionality between the conditions imposed and the effects of the development. The Florida courts disagreed, saying that the nexus test doesn't apply when a permit has been denied or when something tangible, like an easement, hasn't been required. The U.S. Supreme Court disagreed.

The Supreme Court recently reached a 5-to-4 decision in *Koontz v. St. Johns River Water Management District*, overturning the lower court's decision.

While I am sure that there were legalities involved in the decision making, I am familiar with only a small portion of the decision in regard to the issue of a taking. I am not trying to pretend to be a lawyer, but from a planner's perspective this is my understanding of the case and the decision.

The majority of the high court held that a nexus is required not only when a developer is required to dedicate an easement, for example, but also when the developer is required to spend money. Sometimes permits are issued with a requirement to support wetland mitigation banks, finance road improvements, or to provide other local services. In most cases this is negotiated with the developer so that a permit can be issued.

Communities have long been told that as long as there is a way to justify the relationship to development as a whole and the fees are reasonable, impact fees are allowed. With the *Koontz* decision,

land use planners across the country are scrambling to determine how to respond.

Counties in Ohio are not able to charge impact fees, so this decision may not have an immediate bearing. However, cities may have to change how they impose conditions and fees on proposals. Can they negotiate with developers? Is it best to deny permits without discussing alternatives that would allow the permit to be issued but would require compensation for impact from the developer? Do you remove all impact fees?

There are many more questions about the *Koontz* decision and its magnitude. Webinars and informational sessions are being scheduled across the country to consider the full effect of the *Koontz* decision. Planners throughout the country are trying to understand the decision and how best to react at the local level. We may not know how this story ends and what its consequences will be for several more years.

*Betsy Sparr, Director  
Wayne County Department of Planning*

# Dragonflies: Lords of summer

I have always admired the flight skills of dragonflies along with their apparent fearlessness in wandering far from streams and marshes. The other day while I was mowing hay, green darners and twelve-spotted skimmers were hunting and hawking for insects over the field. They seemed unmindful of the dozens of insect-hunting swallows that wheeled around them. The dragonflies, like the swallows, have voracious appetites for flying insects, but they evaded the hungry birds as easily as houseflies dodge the swatter.

In some ways the green darners seemed more like birds than the insects they are. Unlike swallows that catch their prey with their bills, the dragonflies capture theirs with their six forward-thrusting spiny legs that form a basketlike net. Flying at full speed they scoop the insects out of the air. Once caught, the prey is transferred to the dragonfly's mouth with its front two legs. Dragonflies are so well adapted for flight — they can hover and wheel, shoot straight up, fly backward and dart sideways at full speed — that their legs are almost useless for walking. They are flying or perched. Like a light switch; on or off.

The common green darter is the largest and fastest-flying dragonfly here in the Central Highlands of Ohio. Sue Hubbell writes in her book, *Broadsides From the Other Orders*, that darners have been clocked at speeds up to 60 mph. Appearing in mid-April, the darners are around until late October and then tend to migrate southward to warmer hunting grounds.

Dragonflies begin their lives in water as ferocious predators. In this stage the nymphs, or naiads, capture insects, tadpoles, and even fingerling fish. The naiads are highly beneficial predators because they feed primarily on mosquito larvae, those wigglers that rise to the surface of the water troughs for air and then wiggle back down as you dip out water. Especially now that mosquito-borne West Nile Disease is so prevalent, underwater predators are crucial in helping control the sickness.

After one or two years of aquatic life and living through ten to fifteen molts, the naiad crawls out of the water. as it clings to some solid support, its skin splits along the top of the thorax and an adult dragonfly emerges. Should the dragonfly lose its grip and drop into the water it would drown. It is now an air-breathing creature.

For a few hours after emerging the dragonfly rests to give its wings time to dry and harden. Once the process ( entomologists call it tanning) is completed, the dragonfly begins its life as an air-borne predator. It now hunts flying mosquitoes.

Dragonflies will venture far from water to hunt but they will return to ponds and streams and marshes to mate



and lay their eggs. It is around wetlands where the greatest variety of dragonflies is found.

Last summer a friend and I went searching for the Indian village called Killbuck's Town. Supposedly some of the treaties signed by William Penn were kept in this town (Not that we hoped to find them). Old maps show the village to have been in a number of locations. But Andy, who thinks like a Native American, came to the logical conclusion that the town was on the upland west of the Killbuck and the fording place where William Crawford crossed with his ill-fated army.

So we went looking and hoping to unravel the mystery in the high heat and humidity of last year's drought. What we had not anticipated was the jungle of multiflora roses. Occasionally

crawling on hands and knees and following animal trails we found no concrete proof of Chief Killbuck's town.

We did find several clearings bulldozed and leveled for oil wells that never materialized. In these clearings devoid of top soil, a colorful display of acid-loving late summer wildflowers were in bloom — goldenrods, blue vermain, boneset, mints, and wingstem. Flitting among those wildflowers was the grandest assortment of dragonflies and damselflies I have ever seen.

These human-created meadows are only a short distance from hundreds of acres of swamplands, a perfect place for Order Odonata. There were the ubiquitous darners and there were skimmers and baskettails and bluets and whitefaces. For most of them I had no names.

It wasn't until two years ago that I discovered green darners migrate, sometimes in great numbers. On Sept. 2, 2011 our family gathered in our bottom pasture for our annual family campout (eating, talking, grandchildren playing in the creek, listening to the night sounds around a campfire).

After the evening milking I was walking the half mile to the camp site nestled between the woods and Salt Creek when I became aware of the abundance of green darners seining the air for insects. They were everywhere. Not thousands, but hundreds. (September 1 and 2 is also the date when the common nighthawks migrate south through this part of the country after raising their young on the roofs of buildings in the cities). What a spectacular sight.

Meanwhile our son, who farms five miles west of us, was baling some late hay before coming for the campout. Their farm is a hill farm and he was baling in their highest field. The green darners were there by the thousands, hawking for food.

It was a clear, calm, and warm evening and the insects —gnats, mosquitoes, face flies, midges —were out in swarms. The darners had a banquet. They darted and whirled,

**Continued on Page 4**



**VIEWS OF KWLТ FUNDRAISER HELD MAY 18 IN MILLERSBURG**

Upper left: Patrons enjoy music by The Bluegrass Reunion at a reception on the Hotel Millersburg patio.

Upper right: Artist Chris Walden discusses his craft while sketching an eagle which sold for a bid of \$300.

Lower left: Auctioneer Junior Miller (with microphone) encourages bids for the benefit of KWLТ.



**DRAGONFLIES**

**Continued from Page 3**

backed up, and dived between him and the team as they fed on what you might call aerial plankton. He claimed he could have caught them with his hands.

Spread over the large area, the darners must have numbered in the tens of thousands (millions?) as they travelled south to Veracruz. I'm in my sixties and this could very well be the only major darner migration I'll get to observe.

The darner migration has similarities to the monarch migration except the darners are like a sports car in comparison to the monarchs' horse and buggy. Sometimes in October during corn harvest I see a monarch flying southwest into a headwind, barely making any forward progress and 2000 miles to go to the Oyamel fir forest in the Sierra Madre Mountains of Mexico. I look at the monarch and sigh.

*David Kline KWLТ Trustee*

**Your KWLТ 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 2013 membership dues will be 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 new member or to renew your membership for 2013, write a check payable to Killbuck Watershed Land Trust. Mail it to Killbuck Watershed Land Trust, 133 S. Market St., 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.