

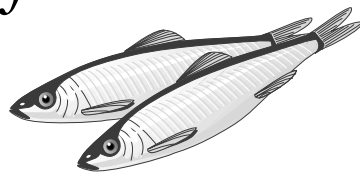


Rivers Quarterly

Newsletter of Rivers Unlimited, Ohio's Statewide River Protection Organization

Can Improving Your River Pay Off More Than It Costs? Probably!

An update on river resource economics studies with The Ohio State University



We have written much about this River Template, or toolbox, for determining if a regional economy can benefit if the river running through it is improved; that is, the scenic beauty of its corridor and the quality of its water. Each river is different, but we have developed the methodology for calculating costs and benefits of zoning, greenways, etc. We have now launched successor studies through the Ohio State University considering costs and benefits of a) increasing pollution in rivers, and reducing pollution in rivers, with a side virtue of providing state pollution agencies a way to grant or deny permits to pollute, considering the broader public interest in clean water not now recognized; and b) removing or renewing dams.

of water quality in rivers, to determine what the public wants and therefore is willing to pay for. First groups asked have been anglers and boaters. Surveys of this type are sophisticated in that they must be timely, representative for the sector surveyed respecting age, sex, wealth, location, etc.; questions cannot be tendentious, replies must be unbiased and credible, error calculation accurate, and other cautions and controls exercised. (Your editor is no economist.)

Other non-market surveys and market research will follow, to collectively develop a metric that can be used to ascertain general public economic benefits from a) preventing water pollutants from entering a water body; b) public economic costs from the presence of pollutants in a

ON WATER QUALITY

Continuing under the leadership of Dr. Fred Hitzhusen with Stephen Irvin, study is advancing on non-market evaluation

See "Economic Study" on Page 4.

In Memoriam

Kent Kroonemeyer, 1942 – 2001

Kent Kroonemeyer was our good friend for many years. He was Supervisor of Region 3 for the U.S. Fish and Wildlife Service (Department of the Interior), including Minnesota, Indiana, Wisconsin, Missouri, Iowa, Illinois, Michigan and Ohio.



From remarks we made at his memorial service:

Kent helped us with involvement in the Clean Water Act antidegradation controversy, in our attempt to improve water quality in our streams. That took courage – federal endorsement of the citizen's interest as against state protection of polluters. When we questioned Ohio's plan to spend millions repairing dams on the Muskingum River, he led us on a tour of the dams. He thought dams were a disgrace.

See "Memoriam" on Page 11.

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RIVERS UNLIMITED'S BITS & PIECES

What have you done, RU?

Last year, that is, from our Y2K Annual Report, a few items, and where we stand on them now:

2000 was a happy and great year, of innovation, of results, where we have developed the **infrastructure** for preserving and restoring certain stretches of specific rivers. What is that infrastructure? Surprise! It is the people of Ohio! Drawing support from each other through our Ohio Natural Heritage River System.

And we have set the **methodology** for preserving and restoring rivers with our studies with The Ohio State University since 1997 on river resource economics.

We continue - as always! - our service to river groups on any issue, drawing upon our massive institutional history - in 140 issues, 50 counties. If it's technical, legal, political, organizational, local, state, national, legislative - our board and connections know how to go about it. The year 2000 had a rich variety.

Antidegradation. RU has been a major player since 1993 in Ohio EPA's External Advisory Group, to write rules to administer the AD statute. (RU went to Court in 1995, proving that Ohio's statute violated the Clean Water Act). EAG work ceased in 2000. In granting permits to pollute, RU holds that Ohio fails to measure the public economic interest in clean water. Apparently no other state does either, no one knows how to. We believe resource economists, with our help, can determine a means by which the public (and OEPA) can be sure that any decisions to allow increased or continued pollution are in the public interest.

The Ohio Natural Heritage River System (OHNR) was activated as a result of the Rivers 2000 Project. This is RU's non-governmental, citizen-group, river-protection means, to strengthen efforts for all streams that are under no state protection (98.9% of our river miles - yes, that's correct!) as well as those that are state rivers. The only requirement is a formal commitment to work for the improvement of the river. There are now stretches of eight rivers in this new system: the Great Miami, Pike Run, the Black, the Chagrin, the Olentangy, the Scioto, the Muskingum and the Hocking (two sections). Five more are expected soon (as of this newsletter). Inclusion in this system has already helped prevent destructive works along two of these rivers! The ONHR recognizes and honors both the river and the protective organization.

We assisted **Friends of the Great Miami**, which we founded, raised money for and helped in organizing and operating. Board members are now committed to several actions to benefit the river and have hired an executive director.

Cost of Removing Pesticides from Drinking Water. Thanks to a Joyce Foundation grant, through Ohio Citizen Action, for a study that RU sponsors Ohio State University to do. Now in its second year, in the heavily pesticided Maumee River basin, to show actual user costs and suggest economical ways for communities to reduce pesticide use. Study is directed by Dr. E. Lynn Forster with Chris Murray, of OSU's AEDE Department.

Rocky Fork Creek and Lake Amicus. To support a lawsuit by Save The Lake, of Hillsboro, whose citizens are appealing an OEPA permit to allow treated

See "Bits & Pieces" on Page 11.

Rivers Unlimited

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For a brief biography of our Board of Trustees, see "A Look At Our Trustees", a two-part feature article beginning on Page 10.

The U.S. Army Corps of Engineers

Working together to save Ohio's waterways – or is the Corps working to save itself? You decide.

Rivers Unlimited's history with the Corps would fill several books. We helped rescue Salt Creek, Whiteoak Creek, the Licking River and Mill Creek (in Delaware and Union Counties) from ACOE dams; we lost East Fork (now Harsha) and Caesar Creek tributaries of the Little Miami; also watched the Corps waste over \$100 million on Mill Creek (Cincinnati).

The Corps seeks more power, bigger budget and projects. We paid them to destroy South Florida's water system, damaging the Everglades. Now we pay them to restore this system, with questionable engineering. We paid them to build the Teton Dam, which failed terribly. We paid them to build 20 high dams on the Ohio River for the convenience and profit of the barge lobby, raising the Ohio's "pool" levels so much as to cause billions of dollars of damage to urban waterfronts, roads, railroad tracks, farms and parks. Now Congress has authorized them to spend some \$200 million to remedy some of the purely environmental damage the dams have done to islands, wetlands, habitat, bottomland hardwood forests, feeder creeks, and floodplain lands. It is called the Ohio River Ecosystem Restoration Plan.

This is a hastily concocted scheme based on unsound science, with no benefit/cost analysis, designed to get funded because it pretends to offer benefits to several states along the river. It is a pork-barrel (goodies for everyone except taxpayers) boondoggle to be carried out by those with neither experience nor credibility in the environmental field.

Our condemnation is significantly understated. See, or ask us for, the *Washington Post* series on the Corps, also info on the major reform effort coalition of Friends of the Earth, American Rivers, National Wildlife Federation and Sierra Club. What the coalition asks is that the Corps be given over to civilian control, oversight, etc. Reform legislation was introduced as S. 646 by Senator Russ Feingold and as H.R. 1310 by Representative Ron Kind. You might let our senators and your representative know your thoughts on the matter.

Our suggestion is to remove all civilian functions from the Corps. Relegate it to military duties only. Campaign funding reform would make Congress cooler to wasteful and destructive Corps projects. Don't forget - the Corps has no competition! Its agenda is not the public's! There are better engineers out there in the private sector. Better economists. Better planners. Better project managers. Better accountants. Better attorneys. Whatever institution we wound up with, we could hope it would have a truly public

interest and agenda, not arrogant self-aggrandizement and bureaucratic growth.

We have our friends in the Corps, but there's little they can do. We would like to look forward to trust, belief, honest benefit/cost figures and good engineering from the Corps or its successors. Some day?

While it will take a massive effort to reform the Corps, we can suggest to our readers affected by Corps projects or permits never to trust the word of the Corps. Meanwhile, support the reform movement. ♦

Headwater Streams



Ohio EPA has written draft rules for protecting the water quality of headwater streams. These are very small swales, creeks and streams having watersheds of less than 20 square miles. Streams having less than three square miles of watershed are called *primary headwaters*.

Suggested protections would include Specific Use Designations and involving the stakeholders in rule making to arrive at consensus-based rules.

These proposed regulations could improve our water quality some day, if, but not until, this administration can be led to believe it is in Ohio's economic interest to enforce the Clean Water Act. Until then they are a wish list of OEPA's scientists and a delusion to us if we think this natural resource is being protected.

The National Science Foundation, with country-wide research, recently documented that small streams remove more nutrients such as nitrogen from water than do larger streams. We should not put them through pipes or channelize them, as that prevents this beneficial action.

At significant private expense, RU is determining whether clean water benefits us more than it costs. It's a matter of degree and depends on a lot of factors, many variable from one river stretch to another. Either it does or it doesn't – just the facts! It is straightforward but not simple. Some results may discomfit the developer/county engineer/ag drainage sector. ♦

Economic Study (cont. from front page)

water body; c) a relation or scale of pollution versus cost to the public, as opposed to prevention costs to a treatment plant, industry, farm (which are more easily calculable and customary).

At present there is flatly no understanding of what it costs the Ohio or regional or riverside public to put up with polluted waters, nor how to measure this cost. So far as we know, no state measures these costs, or knows how to. They all, including Ohio, assume there is no cost whatever until there remains no further waste assimilation capacity in the receiving waters. They leave it to the agency, which tries to do a minimum to observe the Clean Water Act. There is a cost, or there wouldn't be some fortunate streams teeming with fish and others barren; there wouldn't be wealthy residents along some streams and shacks along others, etc.

This research should give the public a means to analyze the cumulative impact of development sending increased amounts of impurities into our waters. We state again: not one drop of treated wastewater absolutely must go directly into a waterway! It is all a matter of costs. In our somewhat experienced opinion, however biased toward rivers, this disposal of waste is an externalized cost of the waste generator, which includes you and me. We have a right to know what that cost is, and deal with it. At present there is no rational economic way for Ohio EPA or others to grant a permit to pollute, with any assurance it is in the public interest. And there is no way short of a major lawsuit to prevent this continued degradation of the state's waters.

DAM RENEWAL

Also with Dr. Hitzhusen, work progresses considering the Ballville Dam on the Sandusky River. Note that this study is not to advance an environmental goal to remove a dam; rather it is to determine the costs and benefits to the general public of removing or renewing dams in general. Dams have big effects on water quality and fish. Clearly in some cases it is preferable to leave a dam there or rebuild it. New dams may cause great change in land use, and removing old dams may be significantly disruptive as communities have developed around them.

IN SUMMARY

As a nation we don't know how to look at and measure these effects in dollars unless there are massive stakes such as salmon versus hydropower on the Snake River. Where members of Congress look at rebuilding thousands of federally funded dams built in the 40's and 50's, nearing the end of their life cycle, they haven't the least idea of what economic effects would prevail if they removed some of these dams whose uses are over and no longer pay off.

OSU graduate students and faculty involved in this and a related river toxics removal study are Radha Ayalasomayajula, Sarah Lowder, Stacey Fineran, Ashraf Abdul-Mohsen, Jamie Grimmelman, Yuan Wang Fang and Tim Granata.

Later we will study costs and benefits of returning channelized streams to natural meander systems with non-structural flood damage limitation designs. This is expensive, but channelized streams have very little economic potential. They are limited to agricultural drainage and the conveyance of stormwater, wastewater, runoff and leachate. A major investment could pay itself off fast under certain circumstances.

We are working to continue funding these valuable studies. They are our opportunity to make rapid steps toward river restoration. Note that we have contributed to the river-specific economic experience of a number of Masters and Ph.D. students at OSU, as well as their professors, making OSU effectively a river economics center. Each year strengthens the importance of river economics, as these people go out into the field and as we collectively advance our Ohio studies. ♦

Ohio's Rivers Contribute to State's Bicentennial

In conjunction with Ohio Natural Heritage River System designees, independent river/watershed protection organizations and historical societies throughout Ohio, Rivers Unlimited proudly presents a special bicentennial project highlighting the significance of rivers and streams in our state's history. Photographers, river experts and historical organizations from across Ohio have contributed images of their local river corridors to be part of this extraordinary [note card gift set](#).

The goal is to print three separate note card sets for years 2001, 2002 and 2003. Each year's set will have images of five different Ohio waterways, each with its own history on the back of the card (see sample below). The 2001 series includes the Black and Chagrin Rivers in northeast Ohio, Pike Run in northwest Ohio, the Great Miami River in southwest Ohio and the Olentangy River in Columbus.

The cards will come in an attractive, collectable box. Our first note card set will have a short inscription by Senator Mike DeWine. Partial funding for the note cards is from The Benchmark Outdoor Outfitters, Inc., Newman Outfitters, The George Gund

Foundation, Earth Share of Ohio and The Kreuzman Foundation.

For more information on the cards or where to purchase them locally, call RU (513-793-9453). The cards will be posted on the RU



website by mid May at www.riversunlimited.org ♦

Greenfields: Issue 1 Again!

The Ohio Public Works Commission (OPWC) will now be allocating funding for Issue 1, “greenfields”, viz: protecting high quality streams, or the restoration of impaired streams; natural area land acquisition; constructing or expanding state, regional or community trails; and constructing or restoring park and recreation areas.

It’s hard to conclude that the competition for “greenfields” money will be won on the merits of the applicants. More likely, the public’s bond (tax) money will be parceled out in accord with a) the financial interests of the membership of the OPWC; b) their political power; and c) the influence of the respective districts.

Note that the original fund dispenser, and presumably judge, was to have been the Ohio Department of Natural Resources. They’ve been bypassed. Remember that factory farm (CAFO) waste disposal was to have been dealt with by Ohio EPA. It went to the Ohio Department of Agriculture. OEPA was bypassed.

The OPWC has seven voting members, four from the Columbus area. One we know of from Cincinnati will be

seeking “mitigation” money for the damage a new bridge over the Little Miami, a national and state scenic river, will cause. She is an advocate of the bridge, part of a \$77 million highway in the floodplain. Sierra Club, RU and Little Miami, Inc. are fighting the project. See “Bits & Pieces” on page 11 of this newsletter.

Other members represent banking, insurance, business and development. Four non-voting ex-officio members are from ODOT, OEPA, ODOD and the Ohio Water Development Authority. Looks like development will preponderate! Details are in Sub. H.B. 3.

Remember a year ago (Summer 2000 Rivers Quarterly) we expressed concerns about where the money would go. Nearly every conservation group went for the money. Maybe the river protection, restoration, natural areas, trails and park and recreation will have some representation in the lower echelon, the 19 Ohio districts.

While we are normally upbeat, we’re not so on this. But if there is a satisfactory outcome, to pessimists all surprises are happy ones! We would be happy to congratulate Bob Taft if it works out. ♦

How Well Are You Represented?

Environmental standing of your U.S. Senators and Representatives

This may come somewhat of a shock to some of you. The League of Conservation Voters goes back to the ‘70’s or before and has chosen several specific house and senate votes of particular environmental concern in each congress over the years. Their latest ratings for the 106th Congress follow. A rating of 100 is best; a rating of 0 is zero.

Average for Senate Republicans is 12; for House R’s is 17
Average for Senate Democrats is 79; for House D’s is 77

Average for Senate Republican leadership is 0; for the House, 2

Average for Senate Democratic leadership is 79; for the House, 83

Senator Voinovich’s rating is 17
Senator DeWine’s rating is 19

Ohio’s Representatives:

REPRESENTATIVE	PARTY	106TH CONGRESS RATING
Chabot	R	30
Kucinich	D	90
Portman	R	30

REPRESENTATIVE	PARTY	106TH CONGRESS RATING
Tubbs-Jones	D	80
Hall	D	77
Kasich	R	13
Oxley	R	0
Brown, S	D	97
Gillmor	R	7
Sawyer	D	97
Strickland	D	70
Pryce	R	10
Hobson	R	10
Regula	R	13
Boehner	R	3
Traficant	D	17
Kaptur	D	80
Ney	R	7
LaTourette	R	23

(In some cases it would seem there’s room for improvement.) ♦

Ohio EPA Report Card:



An Update on Environmental Enforcement in Ohio

Ohioans continue to experience noxious odors from factories, pollution in streams from factory farms, and virtually no response from our Ohio EPA to correct the threats or even fully investigate them. Because of the petition that Rivers Unlimited, Ohio Citizen Action, Sierra Club and Ohio PIRG filed along with over 60 affidavits from citizens documenting chronic enforcement failures, USEPA began and is still continuing its investigation of Ohio EPA. If you have examples of non-enforcement of our environmental laws, please call RU at 513-761-4003. USEPA have not yet said when they will finish this investigation. Recently, the director of Ohio EPA stated that USEPA's review (which we brought about) was the reason that Ohio EPA would be issuing water pollution permits called NPDES's (National Pollution Discharge Elimination System) for factory farms.

Ohio EPA Whistleblower Reinstated

Paul Jayko, Ohio EPA investigator for the Marion Army Depot site, won a three-year legal battle against Ohio EPA and has finally been reinstated in his job.

Jayko was suspended by Ohio EPA and reassigned to other work in 1998. Thomas F. Phalen, a federal administrative-law judge ruled that Ohio EPA was punishing Jayko in retaliation for Jayko's criticism of the Ohio EPA's handling of the investigation of the Marion Army Depot site. Jayko had persistently worked to discover the causes of leukemia and the risk to individuals at River Valley Schools.

Judge Phalen's detailed decision documents the efforts of Ohio EPA to conclude, without evidence, that the site did not pose a threat to human health.

Thwarting the investigation, Ohio EPA wrote in a memo, "The team has been instructed to work closely with ODH [Ohio Department of Health] in seeking out information which can allow us to conclude that the existing 'environmental conditions in the local community(s) do not pose a threat to human health."

Further, Ohio EPA management stated "Don Schregardus said he wants us to be very aggressive in telling reporters there is no evidence linking the sites to leukemia."

In other words, Ohio EPA worked to avoid knowing about contamination, thoroughly investigating the site and sought only to show that there was no problem, no threat or risk to the public. Ohio EPA, even without data to support their claim, claimed to the public that there was no risk.

The judge states, "I am unable to credit a statement this early in the investigation that represents that, 'there is nothing in the current environment that is causing a threat to human health', when all testing for both present and past causes of leukemia have not been exhausted and finally determined not to exist, and that such a statement to the public would constitute a misrepresentation of possible threats to human health that might be found to be present in tests yet to be performed."

The judge stated "this leads me to discredit the entire policy of the Ohio EPA management as such a misrepresentation of the Marion investigation." The judge found that Jayko could not "justifiably" accept the decision of the OEPA management to limit the investigation.

The judge found that Ohio EPA had violated employee protective provisions of seven environmental laws. The entire decision can be found on Ohio Citizen Action's web site. <http://www.ohiocitizen.org>

Citizen Audits

With the Ohio EPA continually failing to do its job, what can citizens do? Conduct a citizen audit. Using Ohio's Open Records law you can evaluate what's being done by the Ohio EPA at factories near you.

Water pollution issues are somewhat easier than air pollution to learn about. Many companies which discharge to streams have to report if they exceed permit limits.

Ohio EPA also produces reports about many of Ohio's streams which give some indication of why the stream isn't fishable or swimmable. The Ohio Department of Health also publishes fish consumption advisories, which are important to know about if you eat fish caught in this state. Many of our streams have high levels of PCBs and other contaminants, and all Ohio streams are under advisories for mercury. You might want to focus your citizen audit on a particular stream to learn what you can about the pollutants in it. You might ask, is there serious pollution? Where is it coming from? What is government doing about it? What should the government be doing?

By compiling such information, you can make a powerful case for action. Armed with such information you can be a powerful advocate for cleaning up Ohio's rivers and streams. They need your help. ♦

If you have examples of non-enforcement of our environmental laws, please call the RU office.

Local River Updates

The Pike Run Channelization Project

This drainage project is down the drain! In the place where drainage has been king since settlers first farmed in northwest Ohio.

Pike Run was partly ditched about 120 years ago, but not since. It is a small, beautiful natural stream, starting in Lima and ending at Gomer in the Ottawa River. Lima has been trying to channelize it for 30 years or so. RU was asked for help in 1990 as the Allen County Commission sought State Issue 2 funds (reserved for infrastructure repair and improvement) to pay for the work. The Ohio Public Works Commission didn't know what to do so they suggested we ask the Attorney General's office. We did and they said it looked illegal to them so the project languished.

They decided to go the Ditch Law route and assess the property owners, and recently held the second public hearing on it (10 years later!) with a 500-plus crowd overwhelmingly against the project, both within Lima where they would have put Pike Run in a pipe at big expense to the "benefited" property owners, and downstream where they would have done the typical two-sided channelization, removing thousands of trees and turning the stream into a ditch.

In the presence of such extreme displeasure from both ends, and evidence that such projects are hopelessly outdated, and assurance that the project would go to court, and could threaten some political careers, the County Commission decided to postpone the hearing until January 1, 2002, and study alternatives to flooding in Lima.

SB 20, the Cupp bill (see *Rivers Quarterly* of Summer 1999), would have excused this project from Army Corps of Engineers and Ohio EPA Clean Water Act review, requiring a Section 404 Permit and 401 Certification, etc. This bill was enacted to permit the channelization of Dug Run, near Pike Run, which was originally dug as a ditch. The bill said if any stream had once been channelized it could be done again without review, thus saving time, paperwork and embarrassment.

We congratulate Tom and Allen Naas, organic farmers on Pike Run, who came to us in 1990 and have checked with us regularly since then with concerns about the stream; Marshal Moser, an ecological consultant and early and present Trustee of RU; and the Studer family who put together Friends of Pike Run – for their collective strenuous efforts

to prevent the destruction. We thank Commissioner Steve Diepenbrock for bringing this issue to a wise resolution.

Mill Creek Update

In the Cincinnati area, the Mill Creek Restoration Project (founded 1993 by us as the Rivers Unlimited MCRP), is putting pieces of a greenway together. In one of the most industrialized and polluted streams in the country, with unnumbered toxic waste sites and 160 combined sewer overflows - a greenway is a challenge! Cincinnati has budgeted \$350,000 for 2 years for continuing work. Ultimately millions will be put into this.

Mill Creek is a fascinating issue. It floods. The Army Corps of Engineers channelized parts of it in concrete. It flows between vertical walls through Procter and Gamble. The latest idea is to build a 30-foot diameter tunnel deep under the Creek through limestone, to store floodwaters and sewer overflows, and run them through the sewage treatment plant when the rains stop. Price - maybe \$600 million. If the Army Corps is involved, multiply that by two, or maybe three. (The channelization was authorized at \$30 million and the price had climbed to \$410 million by 1992.) Construction? Our estimate is 15 to 20 years.

We want to restore the Creek to near-naturalness, for public use, for property value, recreation, public image, fish and wildlife.

Mad River – CF/Water Update

In our Winter 1999 *Rivers Quarterly* "CF/Water defends Mad River" (ask us for copy), the issue was about a landfill to operate atop the aquifer supplying Springfield, Fairborn, Enon, German Township, and Clark County. The citizens succeeded in having the Ohio EPA permit sent back to OEPA by the Environmental Review Appeals Commission. Forthwith, Danis/Clarkco, the landfill operator, appealed that to the Ohio 10th District Court of Appeals, which decided unanimously against Danis.

Danis however has applied again for a permit, this time saying they will lay ten feet of earth on top of the ground to underlay deposited waste material. CF/Water has visited OEPA Director Jones along with several elected officials to express opposition to a permit. It's ominous that the old Tremont land-and-barrel fill on the premises is suspected of contaminating Chapman Creek, a Mad trib.

See "Local River" on Page 12.

Rivers Unlimited Recognized by Columbus City

Columbus City Council's *Resolution of Expression* (at right) recognizes RU for its help to the Columbus Division of Parks, and the efforts of PROOF (Prevent Reckless Overdevelopment of the Olentangy Floodplain), the Upper Arlington High School, and FLOW (Friends of the Lower Olentangy). Leaders of the press to protect these rivers are Alex McKnight, Karen O'Reilly, Elizabeth Altfater and Erin Miller, respectively. ♦

Tom Paxton and Gary Newman Inducted as Honorary Trustees

Gary Newman is the Chief Executive Officer for both Benchmark Outfitters Limited (located in Cincinnati, Columbus, Ohio and Farmington, Michigan) and Newman Outfitters of Cleveland. Together, these two Ohio based companies are among the largest outdoor retail specialty stores in the country and the largest of their kind in the Midwest.

Mr. Newman has been involved in outdoor education and retail for over 30 years. The Newman family ties with the outdoor industry date back to the 1870s.

Tom Paxton is considered one of the great songwriters of this century. A recording artist and concert performer, Mr. Paxton's songs are known and loved around the world. He is currently re-recording his River Song to be used as a tribute to Ohio's Rivers. (See related article on page 11.) ♦

CITY COUNCIL CITY OF COLUMBUS, OHIO

Resolution of Expression



To recognize Rivers Unlimited - Ohio's Statewide River Protection Organization - for their efforts to protect and maintain rivers throughout Ohio and to promote education and public awareness of the value of these rivers.

WHEREAS, Rivers Unlimited has nominated two rivers in the City of Columbus, the Scioto River and the Olentangy River, for inclusion in the Ohio Natural River Systems; and

WHEREAS, in recognizing these rivers, Rivers Unlimited further recognizes the efforts of PROOF AND FLOW a citizens group formed to protect and promote the Olentangy River and Upper Arlington High School for the efforts on the Scioto River at the Indian Village Day Camp; and

WHEREAS, acceptance into the Ohio Natural River Systems was due not only to the historical and natural importance of these streams but also due to the work done by community and public organizations to sustain their viability; and

WHEREAS, the Ohio Natural Heritage Rivers Project is a network of local organizations, groups and citizens at work to improve the scenic quality of river corridors, the quality of their water and preserve their environmental, economic and socio-historic importance to Ohio; and

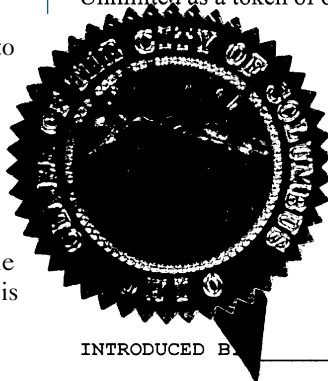
WHEREAS, its purpose is to support public efforts to protect and restore rivers, demonstrate the extent of public support for healthy waterways, restore the natural quality and historic significance of waterways to Ohio; and

WHEREAS, the presentation of this resolution is in recognition of the statewide efforts of Rivers Unlimited; now; therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:

That this Council does hereby recognize the efforts of Rivers Unlimited - Ohio's Statewide River Protection Organization for their efforts and dedication to protection and preservation of Ohio's streams.

BE IT FURTHER RESOLVED, that a copy of this Resolution be presented to Rivers Unlimited as a token of our appreciation.



- JENNETTE BRADLEY.....MEMBER OF COUNCIL
- MICHAEL MENTEL.....MEMBER OF COUNCIL
- MARVELLEN O'SHAUGHNESSY.....MEMBER OF COUNCIL
- RICHARD SENSENBRENNER.....MEMBER OF COUNCIL
- CHARLETA TAVARES.....MEMBER OF COUNCIL

Matthew D. Habash
MATTHEW D. HABASH, PRESIDENT OF COUNCIL

Timothy McSweeney
TIMOTHY MCSWEENEY, CITY CLERK

Kevin Boyce
KEVIN BOYCE, MEMBER OF COUNCIL

Guest Writer:

SWCD Watershed Projects Use Ditch Legislation to Form

by Linda M. Gease

As a former soil & water conservation district employee, I gained experience on many government programs. As you can just imagine, some are much more stream friendly than others.

One of the least stream friendly programs is that of digging out and maintaining ditches. Refer to Ohio Revised Code (ORC) 1515 for details. Historically, farmers used the ditch program to provide adequate outlets for the subsurface tiling in the crop fields. Often there was not sufficient fall on that farmer's property and the ditch had to be reamed out through adjacent downstream neighbor's property. Sometimes other landowners are not cooperative and the ORC provides county commissioners with a way to force the project through.

Some counties use the engineer's office and others the local soil and water conservation district (SWCD) to administer ditch programs. Ultimately though these offices receive moneys from the assessments of landowners within that project area, not only funds for surveying the stream soon to be ditched, supervising construction, as well as yearly fees for ditch inspections, maintenance needed, and administrative charges. Several of the SWCD's have employees whose primary responsibility is ditch maintenance.

It's ironic that a political subdivision that is charged with soil conservation under their enabling ORC encourages soil erosion. While one-sided construction is touted, it is seldom used because of maintenance difficulties. Ditch berms are mowed, weeds in the ditch are controlled through spraying or dipping out the weeds, usually cattails with a backhoe.

Sometimes the "ditch project" is so long as to cover several counties and joint boards are established and consist of board members from the affected districts as per ORC. These boards have much the same powers as Districts with an \$8,000 limit on funds that could be matched through the state. Guess what? The watershed projects sponsored by districts, which cover several counties, are formed using the same ORC as ditches!

The watershed projects receive decreasing amounts of funds each year of their grant. The watershed coordinator is under increasing pressure to bring in more moneys just to pay his/her salary. It won't be long until landowners will be assessed. Most assessments are based on benefit to the landowner. The landowners adjacent to the stream with the most acreage pay the most. This is probably pretty fair when the farmers are receiving benefits for draining their crop ground. Unfortunately, the ground adjacent to the ditches is highly sought after by builders due to this providing outlets for storm drains and curtain drains for septic systems.

The homeowners get quite a deal in that their assessment is usually just based on their acreage rather than the benefit they receive of having their house located there. Ohio Revised Code does provide for other assessment procedures; however, they are not commonly used.

I'd encourage all landowners within a watershed project sponsored by a SWCD to keep informed. Request board and joint board meeting minutes. Know who is the watershed coordinator. Request copies of technical reports generated or requested by the coordinator. ♦

Tom Paxton Gives Song to Ohio Rivers Benefit Concert Tour Planned for September

Tom Paxton, one of the great songwriters of this century, has given RU his *River Song*. *River Song* was first used by the U.S. Department of the Interior in its public service announcements during the early 1970's to alert the nation to the importance of river preservation and restoration. Currently, the lyrics of *River Song* are printed on the cover of the RU brochure.



River Song will be used as the centerpiece of public service announcements used to promote river awareness and the local organizations involved in preserving their waterways. Fifteen-second public service announcements are to be released in late spring or early summer of this year. Tom's songs are known and loved around the world and have been recorded by hundreds of artists as diverse as Pete Seeger, Willie Nelson and Placido Domingo. *Ramblin' Boy*, *The Last Thing On My Mind*, *Bottle of Wine*, *Goin' to the Zoo*, and *The Marvelous Toy*, are just a few of his songs to have been absorbed in the oral tradition.

Plans are being made for a "Paxton Sings for the Rivers Concert Tour" this September for Cincinnati, Columbus and Cleveland. Cosponsors for the concerts: the Greater Cincinnati Coalition for the Homeless; the Boys and Girls Club of Greater Columbus, Earth Shares of Ohio, the Earth Day Coalition, WKSU-Public Radio (Cleveland) and other environmental organizations. ♦

A Look at Our Trustees

Rivers Unlimited Installs Board of Trustees at its Annual Meeting

In keeping with our tradition of representing a wide constituency on issues of river and stream preservation, Rivers Unlimited's incoming Trustees reflect broad experience in government, community involvement, and business. They share a deep commitment to better health, quality of life and the natural beauty of our streams for all citizens and future generations. *As a two-part series, here is the first* in presenting the 2001-2003 Board of Trustees of Rivers Unlimited. Alternates are listed after the Trustees.

Lewis Barbini, Logan (re-elected) - Hocking Valley Canoe Livery, Owner. Ohio Livery Association East Central Ohio, Past President. Hocking River Commission, Vice President. Friends of The Hocking River, founding member. Member of Clear Creek group working to stop channelization of the Hocking River and locally with water quality issues.

Rachael Belz, Cincinnati (re-elected) - Ohio Citizen Action – Southwest Ohio, Director of Development. Currently working on “good neighbor” campaigns with members of the Campaign for Safer Neighborhoods, made up of local groups and neighbors in Southwestern Ohio.

R. Hunt Brawley, Marietta (entering) - Community 20/20, Marietta, Southeast Ohio, Executive Director. Founder, Washington County Friends of the Muskingum River.

Guy Denny, Fredericktown (re-elected) - Ohio Department of Natural Resources Division of Natural Areas and Preserves, former Chief.

Mike Fremont, Cincinnati (re-elected) - Rivers Unlimited, Cincinnati, Ohio, President. American Rivers, founding and board member (1973-1992). River Network, founding member (1988). Mill Creek Restoration Project, founder and board member. Little Miami, Inc., Lifetime Trustee. Friends of the Great Miami, founder and board member. Awards received: American Rivers, Lifetime Achievement Award, Ohio Conservation Achievement Award, Hyatt Community Legal Service Award and Ohio Greenways Hall of Fame.

Douglas Hill, Elyria (re-elected) - Hill's Office Products, Elyria, Owner and operator. Leader of Botany Outings, member of Local Rotary Club and marathon canoe racer.

Susan Knight, Cincinnati (entering) - Greater Cincinnati Coalition for the Homeless, Cincinnati, Administrative Coordinator. Coalition For Humane Society, co-founder. Board member of Ryan White Committee, board member of Over-the-Rhine Steering Committee and Community Council, Community Shares and member of Earth Save.

Justine Magsig, Woodville (re-elected) - Publicity Chair for Sugar Creek Protection Society. Environmental Programs, Bowling Green State University, Academic Advisor. Center for Environmental Studies, Bowling Green State University, Assistant Director.

Marshal Moser, Lima (returning) - Wetland Specialist and Biological Consultant, Ecoservices. Ohio Northern University, Adjunct Faculty. Alloway Environmental Testing Services, Environmental Technician and Sales. Lincolnview High School, science teacher. The Nature Conservancy, Northwest Ohio, former Executive Director and a life member. Ohio State University, Graduate Research Associate.

Carolyn Mural, Columbus (re-elected) - Greater Columbus Boys & Girls Clubs, Columbus, former Director of Development. Worked in youth-related non-profits organizations for 10 years. Muscular Dystrophy Associates of Columbus, Ohio, Easter Seals of Central Ohio.

W. Todd Nein, Cincinnati (entering) - Benchmark Outfitters Ltd., Cincinnati, Ohio, Assistant Manager. Presidential Commission on the Bicentennial of the U.S. Constitution, Washington, D.C. Grant Reviewer. U.S. Environmental Protection Agency, Washington, D.C. - under President George H.W. Bush's Administration Southwest Ohio, former Special Assistant Office of the Administrator.

See “A Look at Our Trustees” in our next issue of *Rivers Quarterly*.

The Muskingum and the Marietta Times

This little newspaper did an outstanding 32-page story on the Muskingum river last summer. The editors and writers were thorough and accurate in their reporting. Their article referred to the river as “Southeast Ohio's Untapped Resource”. We have copies of the feature if you're interested; please call our office for a copy. RU mentions are on pages 7, 8, 23 and 24. ♦

Bits & Pieces (cont. from Page 2)

sewage from a wastewater treatment plant to enter the Creek just upstream of the Lake. The citizens had lost the battle for a non-polluting alternative. Our brief states that since the Creek and Lake are in a state park, they should be considered Outstanding National Resource Waters and protected from added pollution, in accordance with the Antidegradation section of the Clean Water Act. Legal work amounting to several thousand dollars is being done pro bono for us by Dwight Poffenberger, Jr. and Tim Burke of Cincinnati. A tremendous gift! We have just lost in the lower court, and are appealing.

A New Bridge over the Little Miami State and National Wild and Scenic River. This, and the highway associated with it, are the most serious threats this river has had in 26 years. If built, it will attract a thick, steady stream of vehicles and pollution into this quiet valley in the broad floodplain and Ohio River backwater, violating every preservation principle of both the Ohio and the National Wild and Scenic Rivers Acts. We have been taking an active part in addressing this issue, beginning with a letter to the Ohio Department of Natural Resources (ODNR) last August, which ODNR failed to answer.

Originally this \$77 million highway project was to be a link in the Detroit to Virginia Beach Interstate 73/74 - permit us to call it a boondoggle. The Scioto River Valley Federation had big posters warning us of this. Sponsors of the highway are not talking about it; perhaps they are waiting for a more opportune time, for example when they get the go ahead for this "segment". Segmenting is the standard way to build unpopular roads. Several built "segments" provide a perverse logic to complete a highway.

The coalition we formed on this hired an expert traffic consultant to verify claims, that we thought were spurious, that this highway would reduce traffic (miles traveled, gridlock, pollution). Consultant's analysis found that rather than reduce traffic, it would increase it because of the new road and bridge. Any legitimate basis for building this is now out the window!

Never, ever trust figures justifying new highways! It is standard practice to pretend that building more lanes, more roads, reduces traffic. Bureaucracies, always under the influence of development interests, falsify figures as a matter of course. As do many consultants. If a consultant doesn't come up with the agency's desired conclusion, that firm won't get another order.

Every Ohio Scenic Rivers Advisory Group, every non-governmental river -protective group, every conservation organization in Ohio - BEWARE! Your Ohio Department of Natural Resources (that is, Sam Speck and Stu Lewis) accept this development. It sets a dangerous, destructive and disgusting precedent.

On the basis that there is no longer even a putative notion that this highway would improve traffic, and least of all air quality, perhaps ODNR will reconsider. We don't think these people really want the highway, but without strengthening by the governor, these smaller agencies have no power against highway people aka the Ohio Department of Transportation (ODOT).

Let Bob Taft know what you think! Suggest reaching him through: Michael Cull, Transportation Review Advisory Council, ODOT, 1980 West Broad St., Columbus, OH 43223. ♦

Memoriam (cont. from front page)

We sought Kent's advice on a new idea – that restoring degraded rivers could bring large economic benefits to river communities. He strongly encouraged that idea. We then launched a three-year study with The Ohio State University of the Muskingum River. Kent funded contributions to that effort. He remarked, "Economic benefits are the primary issue that will justify and drive river restoration projects in the future, not environmental justifications. When rivers are restored, aquatic resources also will be restored including federally threatened and endangered species residing in these restored rivers. This study has the potential to become a vital tool in the Fish and Wildlife Service's recovery program for aquatic species that are listed as threatened and endangered."

He hosted a canoe float on the river for professors and grad students working on the study.

We are very proud of the faith Kent had in us. In his suggestion that gifts in his memory be made to Rivers Unlimited – that is the greatest possible honor.

To us, Kent exemplified public service in the highest tradition.

His wisdom, his inspiration, his encouragement, and his good humor will live on in our memory and infuse our works.

We have set up a special fund in Kent's honor, to be used for the river projects he favored. ♦

Local River

(cont. from Page 7)

Note that the aquifer is effectively part of the Mad River, and landfill runoff enters creeks and the river and also percolates into the aquifer. River and aquifer therefore become part of the water supply to Dayton and the Great Miami communities, altogether about 750,000 persons.

Can you believe that a state EPA would grant a permit to a dump operator that could even remotely threaten such an important water supply - or should we say the public health of such a large community? Under what conditions would you grant such a permit, if you were OEPA Director? ♦

MEMBERSHIP FORM

EASY MEMBERSHIP! COMPLETE STEPS 1, 2, 3, CLIP AND MAIL.

Yes

I do want to help Rivers Unlimited protect the 61,000 miles of rivers and streams in Ohio from pollutants and other forms of degradation. Use my gift to help the nation's oldest statewide river protection organization continue to protect and restore these scenic waterways which are vital to the quality of life in our state.

Here is my tax-deductible contribution of:

- 1**
- \$35 Basic Membership
 - \$50 Family or Group Membership
 - \$100 River Sustainer
 - \$250 River Steward
 - \$___ Other

2 Please make your check payable to *Rivers Unlimited* and mail to:

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