



Ohio Wetlands Association

Newsletter - November 2013

Our Mission

The Ohio Wetlands Association will work to protect, enhance and restore Ohio's wetlands by providing public education, promoting sound public policy, developing a network of citizen science volunteers and sharing the joy of wild places.

A non-profit organization

P.O.Box 3
Amherst, Ohio 44001
Ray Stewart, President
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Upcoming Events:

- **Wetlands Summit at Grange Insurance Audubon Center December 7**
- **Vernal Pool Workshops**
March 22, 2014
Location Stratford Ecological Center
April 5, 2014
Location Oak Openings

“Your support is essential as we expand our programs to more regions of Ohio ...”

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Year-end appeal

For the first time in our history, since 1991 as Friends of Wetlands and since 2012 as Ohio Wetlands Association we are making a special year-end fundraising appeal. An envelope is included in this mailing to make it easier for you to send a check with your donation. Please complete the half-page form on the back page and enclose a check at any membership level you are comfortable with. For the first time OWA can say that it is a 501(c)3 non-profit organization and your donation has the tax benefits that any other charitable gift would provide.

Your contribution supports the programming and services that OWA provides. We are an all-volunteer group with little overhead. The office is in the home of OWA's President, who does not charge rent. In fact, many expenses are absorbed by its dedicated volunteers who not only contribute their time and resources but show up in distant places across Ohio without reimbursement.

We have an ambitious agenda for 2014. We will train more citizen science volunteers, organize workshops and conferences, promote wetland protection at public environmental events and participate in wetland restoration activities with a variety of partners.

Your support is essential as we expand our programs to more regions of Ohio where wetlands continue to be threatened. After losing more than 90% of our wetlands in Ohio, we need to protect all of the quality wetlands that remain. Please act now.

Ohio Wetlands Summit

This year's summit is right around the corner. On December 7th Ohio's leading wetland specialists will present their perspectives on wetland protection, its challenges and opportunities, in an evolving political setting. This is a topic of interest to all who care about our waters, wetlands, lakes and streams.

Join us at the Grange Insurance Audubon Center in Columbus, Ohio from 8:15 to 2:30. Registration is \$40 and includes morning refreshment, a copy of 'A Citizen's Guide to Clean Water Act Enforcement', vegetarian lunch and a year's membership in Ohio Wetlands Association.

Pre-registration will close on November 27th, the day before Thanksgiving. If you miss that deadline, please go ahead and register late or on-site but don't expect lunch. Sorry, the caterer needs a head count in advance.

Details of the Summit are posted at www.OHwetlands.org and online registration is available through PayPal. See Mick's article on page 2 for a sample of summit content.



Updates on Clean Water Act Sections 401 and 404 Regulations

by Mick Micacchion

This portion of the Summit will cover the status of wetland regulations in Ohio and recent and proposed developments/changes in permitting requirements. Discussion of rules on both federal and state levels will be covered including an overview of any proposed rule changes and recently issued general permits for the State of Ohio. Topics covered will include proposed modifications to the Wetland Antidegradation Rule (Ohio Administrative Code 3745-1-54) and issuance of the 2012 Nationwide Permits.

Ohio's Proposed In-Lieu Fee Wetland and Stream Mitigation Proposal

The proposed In-lieu Fee Program that would be managed by the Ohio Chapter of The Nature Conservancy for the State of Ohio will be outlined. This proposal would provide compensation

for wetland and stream impacts on a watershed basis. Watersheds are defined as 8 digit USGS Hydrologic Unit Codes (HUCs) but watersheds could be larger when compensation is for lesser quality resources or no adequate replacement site exists for higher quality resources within their 8 digit HUC.

Theoretically, projects could be constructed prior to or after payment for mitigation credits. The Ohio Water Development Authority would receive and manage monetary deposits into accounts established specifically for the in-lieu fee program. A five year monitoring period would be required for newly established resources and financial assurances will be required that are not released until new credits have met specific success criteria. A long term manager will be identified in advance for each project and would generally be the Ohio Department of Natural



Resources, a metro park system, or other conservation NGOs.

The Interagency Review Team (IRT), made up of representatives from federal and state government resources agencies, is responsible for reviewing the plan and determining if it can be approved. If approved the IRT would provide oversight in management of the program and make decisions on many aspects of the program's operation including credit appropriations and achievement of performance standards for individual credits.

You can join the discussion on wetlands policy by going to OHwetlands.org and selecting 'Summit Policy Committee' under the EVENTS tab.

“Discussion of rules on both federal and state levels will be covered .”

Who is that masked bird?

By Delores Cole

During visits to your favorite wetland, I guarantee that you have heard this bird and if you are patient, it may pop up and greet you with its witchy-witchety-witchety song. The Common Yellowthroat, as its name implies, is a common breeder in our region. Both sexes give a full-sounding *chuck* note that is easy to learn. During migration, this is often the most common warbler found in fields and wetland edges. This little yellow warbler is active and loves to skulk low in vegetation searching for insects and spiders. Yellowthroats breed throughout Alaska, Canada, and the U.S. and spend winters in southern states and in the tropics.

Adult males are bright yellow below, with a sharp black face mask and olive upperparts. A thin whitish line sets off the black mask from the head and neck. Immature males show traces of the full mask of adult males. Females are a plain olive brown, usually with yellow brightening the throat and under the tail. They do not have a black mask. The male Common Yellowthroat performs a special flight song, given as he rises high into the air on fluttering wings. When choosing a mate, females appear to prefer males with larger masks.

Preferred habitat for this species includes; wet marshes, wet fields, and the brushy areas nearby and live in open areas with thick, low vegetation. During migration, they use an even broader suite of habitats including backyards and forest.

Common Yellowthroats consume a variety of insects and other arthropods. Butterflies, grasshoppers, dragonflies, mayflies, grubs, cankerworms, aphids, caterpillars, ants, leafhoppers, spiders and other insects are gleaned from leaves, grasses and weeds.

The Common Yellowthroat was one of the first bird species to be catalogued from the New World, when a specimen from Maryland was described by Linnaeus in 1766. Adult Common Yellowthroats sometimes fall prey to carnivorous birds such as Merlins and Loggerhead Shrikes.



Common Yellowthroat
Photo by Brian Zwiebel

Occasionally they have more unexpected predators: one migrating yellowthroat was eaten by a Chuck-will's-widow, while another was found in the stomach of a largemouth bass.

The female Common Yellowthroat can be the promiscuous lady. Each male normally has only one mate in his territory during a breeding season. However, a female's mating calls often attract other males, and she may mate with them behind her mate's back.

Brown-headed Cowbirds often lay their eggs in the nests of Common Yellowthroats (and many other songbird species) which is detrimental to the yellowthroats, so they've developed a few defenses. They desert a nest if it contains a cowbird egg, or if their own eggs have been removed or damaged by a visiting cowbird. They may build a second or even a third nest on top of a parasitized nest. The oldest Common Yellowthroat on record was 11 years, 6 months old.

So next spring, when you visit a wetlands, listen for that masked bird, you are sure to hear it!

Vernal Pool Workshops 2014

Check the OWA website for event updates, go to www.OHwetlands.org and select the Events tab.

The OEC 2014 vernal pool workshops are now open for registration! We have an awesome line up of speakers and topics. OWA Board member Mick Micachion is presenting at the Stratford Workshop. OWA President is presenting at the Oak Openings workshop. Hope you can make it! Info below.

Central Ohio
Vernal Pool Workshop
Registration: <http://www.theoec.org/events/vernal-pool-workshop-central-ohio>

Date: Sat. March 22, 2014
Location Stratford Ecological Center
Time: 9:30-5

Northwest Ohio
Vernal Pool Workshop
In coordination with Ohio Wetlands Association
Registration: <http://www.theoec.org/events/vernal-pool-workshop-northwest-ohio>

Date: Sat. April 5, 2014
Location Oak Openings
Time: 9-5

Topics include:

- Salamanders
- Frogs
- Macroinvertebrates
- Restoring a vernal pool
- Monitoring
- Vernal pool ecology
- And more!



Lost Nation Lost Wetlands

By Ray Stewart

“No precautions were taken to control erosion or sediment transport offsite.”

Talking with Carole Clement about the latest threats to Mentor Marsh by Diamond Shamrock she brought up the Forest City Land Group managed by Richard Osborne, massive violation of the wetlands development at the intersection of SR 2 and SR 44 in Painesville. A decade ago heavy equipment rolled in, cleared and drained the land. No precautions were taken to control erosion or sediment

transport offsite. Due to alteration, it is hard to say how much of this was jurisdictional wetlands. Vegetation and natural hydrology have been erased. These factors are two of the three conditions necessary to identify wetlands. The third factor is hydric soils, those soils that form under saturated conditions. Nearly the entire site has these wetland soils.

Permits are required to fill or drain wetlands, according to laws established by the Clean Water Act of 1972. Permits are routinely obtained by developers in advance. It is usually required that wetlands be created in other locations to compensate for the loss of developed wetlands. This action was a brazen attempt to circumvent the law.

Just a couple miles down

Continued page 5

Lost Nation, Lost Wetlands continued

SR 2 at the intersection of Lost Nation Road a similar scenario is playing out. Development of another 300 acre site was halted by the army corps of engineers for violation of the Clean Water Act. Disagreements about the extent of wetlands on the property are still unresolved. It is alleged that more than



Developer Richard M. Osborne Jr.

Photo from the News-Herald

62 acres of wetlands and stream were dredged and filled without a permit. Richard Osborne, who is managing this project too, does not think that the Clean Water Act applies to him.

Here is an article from a couple of weeks ago. It clearly shows the jaundiced perspective of the developer and the community that has a short-term economic stake in the development. <http://www.news-herald.com/general-news/20110329/lost-nation-road-development-in-willoughby-in-limbo-over-wetlands-issue>

What should be done with a developer that is a repeat offender? Should there be a 3-strikes and you're out law? What if this were a **DUI** offense? Your license would be

taken away. This is **Development Unfettered and Indifferent (DUI)**. Let's add up all the services that a rare coastal swamp forest provides the community. The balance sheet is not complete if you just announce the value of commercial and industrial speculation. A recent study of Tinker's Creek estimated that the protected park lands with wetlands and stream corridor provide \$231,423/acre/year in services. What would that be in terms of 300 acres? \$69,426,900 per year of public service. At what point do we say it's alright for a handful of investors to erase that public benefit of public waters and convert it to cash for themselves?

Be Prophylactic

OWA continues to promote a policy of decontamination of field equipment for all wetlands work. We use some large storage bins for boot-wash stations and chlorine spiked rinse water. We encourage you to wash your boots/waders and any nets or other equipment exposed to water in wetlands.

If your vehicle passes through these waters the tires and undercarriage should also be in between visits.

Originally we were alerted to such protocols when *Chitrid* fungus was spreading across the globe. Now it appears to be everywhere. During a conversation with

Greg Lipps, his comment was that he is no longer concerned about preventing the spread of *Chitrid*, he's worried about the next disease that we haven't learned about yet.

Keep it clean, folks and be prophylactic.

Kristi Arend, Research Coordinator, Old Woman Creek NERR



I recently joined the Old Woman Creek NERR from Sault Ste. Marie, MI, where I was an Assistant Professor of Biology at Lake Superior State University. I decided to leave academia to pursue a career that would allow me to focus on research directly relevant to coastal issues of concern to Great Lakes management and coastal communities. I was attracted by the oppor-

tunity the NERR system provides to consider these issues at a national level and to contribute to education and outreach. My research interests focus on how food web dynamics and fish communities are influenced by physicochemical conditions and linkages between ecosystems and habitats. I have studied embayment and tributary linkages with nearshore lake habitat in eastern Lake Ontario and Whitefish

Bay, Lake Superior. I have also modeled the effects of hypoxia on fish habitat quality in central Lake Erie. My education and training include a B.A. in Biology from Oberlin College, a M.S. in Aquatic Ecology from the Ohio State University, a Ph.D. in Aquatic Ecology from Cornell University, and postdoctoral research at Purdue University.

Wetland Quality, Protection and Human Induced Geographic Heterogeneity

by Mick Micacchion

“...wetlands will reduce the impact of flooding by absorbing waters that would otherwise concentrate within a watershed and lead to floods.”

Ohio has a wetland regulation system that places wetlands into categories based on their level of quality/ecological condition and ecological services provided. The amount of protections provided to wetlands, the levels of demonstration needed to impact them, and the amount and quality of compensatory mitigation required to replace them varies with the category of the wetland under review.

Category 1 wetlands are the lowest quality and are wetlands that significantly degraded by human activities occurring around and in them. Category 1 wetlands are those that have been so degraded that restoration, to anything

like their original conditions, is no longer a possibility due to high levels of irreversible disturbance within the wetland or the landscape that surrounds it. Category 1 wetlands are representative of poor ecological conditions and provide low levels of ecological services. While not enough randomly selected wetlands have been sampled on a statewide basis to provide completely accurate percentages of the wetlands in each category, Category 1 wetlands probably account for about 25% of Ohio's remaining wetlands.

Category 2 wetlands are of moderate quality/ecological condition and are demonstrating some

degree of human induced degradation; these effects can vary from borderline severe to relatively mild. As a result, Category 2 wetlands are comprised of wetlands that span the range of from fair to good ecological conditions and provide a broad range of intermediate levels of ecological services. It can be estimated that Category 2 wetlands comprise about 50% of all the currently existing wetlands in Ohio.

Category 3 wetlands are of superior quality and are wetlands of excellent ecological conditions that provide superior levels of ecological services. While no wetlands in Ohio are pristine, Category 3 wetlands are the

best remaining and demonstrate the least impacted conditions possible in a state with such a disturbed and fragmented landscape owing to a long history of land development practices. Category 3 wetlands probably account for about 25% of Ohio's persisting wetlands.

Keeping in mind that Ohio over the last two and half centuries has lost 90% of its wetlands, the numbers of wetlands comprising each category gains prospective. This is especially true when we look at the heterogeneity of land use in the state.

As might be guessed, the urban areas and intensely farmed portions of the state where disturbances are most intense, wide spread and have persisted for the longest times are those areas where those wetlands that are left are most likely to be Category 1 wetlands. Some Category 2 wetlands may be present, but even these are rare and Category 3 wetlands are almost not existent except in a very few well sheltered refuges that have been in protection over time. These wetlands are most likely to be riverine wetlands located in areas subject to periodic flooding and other areas unattractive

to development.

Our wildest remaining areas, as demonstrated by the headwater areas of the Cuyahoga River, might be comprised of 75% Category 3 wetlands. These wetlands can be relatively large and make up significant areas of the upper watershed. Because levels of development are low the disturbances the wetlands have historically experienced have remained low allowing their quality to remain intact. This domination by Category 3 wetlands is true of a few other relatively untamed parts of the state, such as the Grand River Lowlands.

In the transitional areas between undeveloped lands and urban and heavily agricultural lands Category 2 wetlands are most common wetlands. However, the moderate intensity of surrounding land uses is often enough to push conditions to the lower end of the scale.

While wetlands categories are assigned based on the same scale across the state it can be surmised from the above information that this process greatly limits the ability to provide the appropriate level of protection for wetlands in the urban setting. A large percentage of urban wetlands have already been lost and those that remain

are reflecting the degradation that comes from being in such a highly developed landscape. Over time development will keep encroaching on the remaining wetlands until they are severely degraded and therefore no longer receive any level of real protection. If this scenario continues to run its course, we can lose almost all of our urban wetlands.

I believe it is time to rethink the rules that govern wetland protection in Ohio and provide a pathway for protection of the precious few wetlands that remain in most urban areas. At the same time we want to be sure to maintain the levels of protection for wetlands in our less intensely developed areas. We have already lost 90% of our wetlands and cannot afford to lose even one more high quality wetland unless the case is clear to everyone that its loss will result in meaningful benefits to all Ohioans.

Ohio Wetlands Association supports the highest possible protection for Ohio's remaining wetlands. Restoration and improvement of Ohio's wetlands will provide cost-effective services for its citizens and buffer the impacts of anticipated climate change. Wetlands will make Ohio a better place to live and work, thus our slogan "Wetlands for a Better Ohio".

Ohio Wetlands Association

P.O. Box 3
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Issue

Wetlands for a Better Ohio November 2013

	<p><i>JOIN OR RENEW TODAY!</i> OHIO WETLANDS ASSOCIATION <i>Wetlands for a Better Ohio</i> www.ohwetlands.org</p> <p>We are a 501(c)3 nonprofit organization. Your membership and donation is fully tax-deductible.</p> <table border="0"><tr><td><input type="checkbox"/> \$20 - Individual</td><td><input type="checkbox"/> \$30 - Family</td><td><input type="checkbox"/> \$100 - Heron</td></tr><tr><td><input type="checkbox"/> \$10 - Student</td><td><input type="checkbox"/> \$40 - Organization</td><td><input type="checkbox"/> \$250 - Rail</td></tr><tr><td><input type="checkbox"/> \$10 - Senior</td><td><input type="checkbox"/> \$50 - Business</td><td><input type="checkbox"/> \$500 - Swan</td></tr></table> <p>Donation: _____</p> <p>Total Enclosed: _____</p> <p>NAME: _____</p> <p>ADDRESS: _____</p> <p>CITY/STATE/ZIP: _____</p> <p>PHONE: _____</p> <p>EMAIL: _____</p> <p>Email is the default newsletter delivery method. Contact us for US mail delivery at 440 225-1279.</p> <p><input type="checkbox"/> Contact me, I would like to volunteer with Ohio Wetlands Association.</p>	<input type="checkbox"/> \$20 - Individual	<input type="checkbox"/> \$30 - Family	<input type="checkbox"/> \$100 - Heron	<input type="checkbox"/> \$10 - Student	<input type="checkbox"/> \$40 - Organization	<input type="checkbox"/> \$250 - Rail	<input type="checkbox"/> \$10 - Senior	<input type="checkbox"/> \$50 - Business	<input type="checkbox"/> \$500 - Swan
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<p>Saturday December 7th Ohio Wetlands Association Second Annual Wetlands Summit at the Grange Insurance Audubon Center, Columbus, Ohio</p>										