



# NEWSLETTER

A Publication for Members and Friends

Summer 2012

Seeking to preserve, protect and enhance land in perpetuity for the public benefit

## "Green" New Business Members Welcomed

*Fence, Lake and Pond, Design, Coffee, Mill,  
Property Service Firms Join Trust*  
By Linda Habig, Trustee

*"Land trusts are not just relevant, but critical, since local efforts for the public good are far more cost-effective and focused than similar efforts at the state or national level. People really do want to invest in our land and our future."*  
Mark Forman, general partner,  
River Road Coffeehouse

These "green" thoughts reflect why the Trust has joyfully welcomed six businesses to its membership in the first several months of 2012. Each of the forward-thinking, conservation-minded regional firms, said an enthusiastic "yes" to the Trust's small business membership initiative.

"Customers as a whole are concerned about conservation, especially of waterways and how livestock affect them. We are fencing streams out of pastures



left to right: Rod Rauch, Jodi Melfi, Mark Forman

more and more," said Rod Rauch, principal, **Spring Meadow Fencing Company**. Rod's company provides fencing services to business and property owners throughout Licking County and beyond, and his quality work is sought by many farmers in the area, including several with land under easements held by the Trust.

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## The Oilman Cometh *Considerations for Land Trusts and Property Owner* By Candi Moore, Board Chair

An oil and gas boom potentially worth thousands of dollars to property owners has come to Ohio and other parts of the country. Preservation of green space is important to society, but so is economic development. What is a land conservation organization to do? A land trust wants to conserve a property, but the owner wants to reserve oil and gas extraction rights, or an energy firm already has an oil and gas lease in place on the property. Suppose the property already has a conservation easement

and the owner wants to lease the oil and gas rights. There is much for a land trust and a property owner to consider in such circumstances, and the watchword is caution. First, the land trust needs to be certain it knows who owns the oil and gas rights. Does the property owner still own them or have they been severed or separated from the surface property rights? If severed, what was specifically conveyed, under what circumstances and by what method? Oil and gas

rights can be conveyed by a deed, a reservation in a deed or by a lease. Typically the lease provides broadly for development, but some leases, such as non-development leases and limited development leases, prohibit or limit the surface drilling functions and structures. Are the conveyance documents still valid, or have they been or can they be terminated? Have they expired? State laws vary on these topics so experts should be consulted.

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# Riffles, Runs, and Pools

*A Native Stream Habitat at Spring Valley*  
By Doug Spieles, Board Vice Chair

Ever since Spring Valley was acquired and designated as a nature preserve in 2007, the Trust has been working with Granville Township and other partners to enhance the park for both human visitors and wildlife. This spring, we completed our most extensive Spring Valley project yet: the restoration of the lower reach Salt Run. Since the early days of the Spring Valley Pool (about 80 years ago!), Salt Run was dammed and channelized, with a 4-foot concrete wall along nearly 200 feet of the west bank. In 2010, we obtained a \$40,000 surface water improvement grant from the Ohio Environmental Protection Agency to remove the dam and retaining wall and to re-grade and re-vegetate the west bank of the stream.

The results are a dramatic improvement! The stream is now accessible from the wildflower meadow, and valley floor is a floodplain once again. Native trees, shrubs, and grasses now grow streamside as they once did. Best of all, the stream corridor is once again free to move and change over time. With each flood, each drought, and with the passing of each season, the community of plants and animals will continue to develop and change. In our application for the Ohio EPA grant, we were asked to define “measures of success” for this project. Here is what we wrote: “This stream restoration project will be deemed successful if, upon completion, Salt Run reverts to its natural flow regime. This means that the formerly impounded west bank of the stream will flood during high flow; it means that waters formerly ponded

above the lowhead dam will flow unimpeded; it means that the stream formerly lined with concrete will be able to develop shifting riffles, runs, and pools that are appropriate habitat for native stream organisms. The project will be deemed successful if the riparian corridor



*Salt Run at Spring Valley Nature Preserve*

of the west bank, formerly removed from the stream it borders, is planted with native species to re-establish an effective riparian habitat. Finally, we will judge this project successful if regional citizens are able to see and appreciate stream restoration and if community members are able to access and explore the stream along the entire length of the Nature Preserve.”

So, have we succeeded? We invite you to take a walk along Salt Run and tell us what you think!



## **"Green" New Business Members Welcomed** *continued from page 1*

"My hope is that my grandchildren's children will experience the land and green spaces as my great-grandmother did - hiking, exploring a creek, or trail riding," reflected Jodi Melfi, principal, **Jodi Melfi Design**. Recently, Jodi, as lead designer, volunteered her professional graphic services, to the Trust. Graphic standards for publications and collateral materials have been developed, and the Trust appreciates this wonderful contribution. "I hope to establish professional ties with local individuals and businesses that have a similar 'green' long-term vision for our community," Jodi added.

"Our customers count on us to provide services with maximum concern for our shared environment," noted Nate Robinson, Vice President, **Aqua Doc Lake & Pond Management**, headquartered in Chardon, Ohio. Aqua Doc serves clients throughout Ohio, Kentucky, and beyond, managing aquatic habitats and freshwater ecosystems. Several members of the Trust use Aqua Doc to keep their ponds healthy, navigable, and useful for all forms of recreation, such as fishing and swimming. Nate added, "Land trusts can operate within the needs of society as a whole and remain vital in conservation and pragmatism."

"Locals in our area really value our land and our resources... that is one of the reasons the area farmers' markets are so well supported," Mark Forman, general partner, **River Road Coffeehouse** said, sharing his interest in all that's best for our community. A regular vendor at the Granville farmers' market, River Road Coffee roasts and serves its One Line Coffee, a Fair Trade Certified product that supports a better life for farmers throughout the Americas. "We found out about the Licking Land Trust in River Road Coffeehouse," Mark expects to hear people saying, and the Trust surely hopes this happens!

**Jake's Property Services** is another conservation and community-minded new business member of the Trust. Company owner Jake Warner and his team provide a comprehensive array of services, meeting the needs of homeowners and businesses for excavating, landscaping, lawn care, and general farm and home services. "Yeah, we do that," sums up Jake's approach to erosion control, drainage, tree planting, retaining walls, riding arenas, seeding, and many more land and property challenges. Cherishing land, agriculture and the community, Jake and his family live in the farmhouse built by Jake's great-great-grandfather on the family homestead dating to 1870.

**All six of these businesses, by joining the Trust, have voted "yes" for land conservation and preservation of green space. Welcome!**

"If it swims, crawls, walks, or flies, we feed it," states the **Granville Milling Company**, also a new business member of the Trust. Its vast scope of products and services supports individuals and the farming/agricultural community throughout central Ohio. Stores are located in Granville, Pataskala, Lancaster, Cambridge, Johnstown, Newark, and Delaware. Phil Watts, President, has deep roots in our community, having joined the Mill in 1978. Providing feed, grain, fish, fertilizers, fencing, pet foods, livestock supplies, and much more, the "Mill" is an icon representative of our close ties to the land.

### **Members** *Enjoy the Land and Help the Trust*

The Trust welcomes all member volunteers to assist with the annual inspections of conserved Trust properties. Come along with a Trustee to hike, view, enjoy and inspect one or more of our properties this summer or fall. We'd love to have you, and you'd be making a significant contribution to the work of the Trust. To volunteer, or for more information, contact Trustee Craig McDonald: [craig@alwaysforwardcrossfit.com](mailto:craig@alwaysforwardcrossfit.com)

The land trust and property owner need to consider the role of the federal tax code in the transaction. If the property owner took or is taking a charitable deduction, Section 170(h) of the IRS Code requires that the conservation purpose be protected in perpetuity, and if the owner retains oil and gas rights, extraction by a surface method defeats that conservation purpose. If the oil and gas rights are severed, the conservation purpose is still protected if the probability of surface extraction is negligible. Treasury Regulations Section 1.170A-14 offer some relief from this prohibition, providing that a charitable deduction will not be denied if the extraction methods have a limited, localized impact on the real property and any damage to the conservation interests can be repaired and remediated. Thus, if the production facilities are concealed or compatible with the existing landscape and/or topography and any surface alteration is restored to its original condition, then the Code indicates a deduction will not be denied.

The land trust and the property owner must determine what the significant conservation interests are with respect

to the property and whether all the interested parties will agree to limit the oil and gas extraction activity to protect and remediate those conservation interests. When dealing with oil and gas development, there are a variety of conservation impacts to consider, including road construction and habitat fragmentation, wastewater disposal, the use of fill material and the loss of scenic views, forests, farmland, wetlands and wildlife habitat. Can the oil and gas drilling be done with a limited, localized impact and the destruction to the conservation interests be remediated? If so and if done carefully, a land trust may be able to allow limited oil and gas extraction on conserved land, but expensive enforcement challenges may lie ahead for the property owner or the land trust if the extraction limitations or remediation are not followed.

The intersection of oil and gas rights and land conservation is fraught with conflict and legal pitfalls so both land trusts and property owners should proceed with care and consult qualified experts when attempting to balance and reconcile the two.

## Your Land Trust at Work Licking Land Trust 2012 Projects

*Anyone who would like to help with any of the above projects should contact the person indicated.*

*The Trust welcomes all volunteers!*

Project	Board Contact
Conduct training session for members and volunteers, in techniques and procedures for monitoring conserved land, in April	Craig McDonald
Collaborate with Granville Township re: erosion protection of Raccoon Creek near proposed bridge	Doug Spieles, Craig McDonald
Research and select new membership/donor database system	Linda Habig, Lyn Boone, Wendy Bittel
Participate in and provide educational youth activities for Dawes Arboretum Arbor Day Festival, in April	Wendy Bittel
Educate and inform the public about the Trust through staffing an information booth, and collaborate with Licking County Soil & Water District, at the Hartford Fair, in August	Larry Bicking, Pat Deering
Apply for national accreditation: finalize standardization of procedures and historical property records	Mike Mickelson
Develop a capital campaign to raise funds for stewardship and defense reserve requirements for national accreditation	Lyn Boone, Greg Sharkey
Mark all Trust-conserved properties through use of GPS coordinates, and install conservation plaques with property owners' permission	Mike Mickelson, Craig McDonald
Inspect all Trust easements and properties, annually: 1100 acres/26 properties	Craig McDonald
Increase membership: approach Licking County businesses, and targeted affinity groups of individuals	Linda Habig
Increase conserved acreage: communicate with interested landowners (currently 33 prospects)	Board Members - various

# Bipartisan Support Results in “Clean Ohio” Funding

By Greg Sharkey, Trustee

Great news for green space and farmland preservation throughout Ohio! On June 12, Governor Kasich, with broad bipartisan support, signed a bill into law that appropriated \$42 million for land conservation and open space enhancement. Specifically, \$36 million will be used through the Clean Ohio Conservation Fund to acquire open space for parkland, river corridor protection and natural area preservation; \$6 million will be applied to preserve prime farmland through the Clean Ohio Agricultural Easement Fund. The bill which became law was the Mid-Biennium Review H.B. 487, part of the special 2012 interim review of the 2011 - 2013 budget.



*Coneflower, a native Ohio plant*

The Clean Ohio Fund restores, protects and connects Ohio’s important natural and urban places by preserving green space and farmland, improving outdoor recreation, and cleaning up brownfields to encourage redevelopment and revitalize communities. Since 2000, Clean Ohio Fund money has helped preserve 26,000 acres of natural areas and 40,000 acres of family farms, and created over 216 miles of recreational trails. This popular program was renewed by nearly 70% of Ohio voters in 2008 who voted in favor of issuing a second round of \$400 million in bonds. Part of the appeal is that no tax increase is needed to pay off the bonds.

More great “green” news: Last year Governor Kasich approved \$6 million for recreational trail development through the Clean Ohio Trail Fund. These funds will become available July 1, 2012, for use in the next two fiscal years.

Clean Ohio funding enjoys broad bipartisan support as an economic and community development tool.

## Save the Date!

### Events at the Hartford Fair in Croton, OH

• Visit the Licking Land Trust booth	Aug. 5 - 11	all day	Commerce Building
• Presentation: “Land Conservation Options”	Aug. 6	1:00 - 1:45 p.m.	Natural Resources Pavilion
• Visit the Licking Land Trust table	Aug. 8	noon - 4:00 p.m.	Natural Resources Pavilion

<b>Annual Meeting and Potluck Dinner</b>	Nov. 8	Bryn Du Mansion
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Wendy Bittel, *Office Administrator*

#### Newsletter

Linda Habig, *editor*  
Jodi Melfi Design, *layout*

*The mission of the Licking Land Trust is the preservation and permanent protection of central Ohio green spaces – wetlands, woods, farmlands, riparian corridors, and scenic vistas – and education about the importance of green spaces and their conservation, all for the public benefit.*

## Join The Licking Land Trust

**Renew your membership, join, or contribute  
online at [www.lickinglandtrust.org](http://www.lickinglandtrust.org)**



**Donate  
securely  
online.**

Name: \_\_\_\_\_

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City, State, Zip: \_\_\_\_\_

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### Membership Levels:

- |  |   |
|--|---|
| <input type="checkbox"/> Student: \$10       | <input type="checkbox"/> Business/Organization: \$150 |
| <input type="checkbox"/> Individual: \$50    | <input type="checkbox"/> Conservator: \$250           |
| <input type="checkbox"/> Family: \$50        | <input type="checkbox"/> Steward: \$500               |
| Stewardship & Easement Defense Fund \$ _____ |   |

Detach and mail this completed form with  
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