

## Fish Creek 1993 Diesel Fuel Spill

Fish Creek is considered the most pristine creek of the Maumee River watershed located in the southwestern drainage of Lake Erie. Fish Creek is unique for its high number of aquatic species; it supports 49 species of fish and 31 species of freshwater mussels, including federal and state endangered species.

On September 15, 1993, a pipeline ruptured and discharged an estimated 30,000 gallons of #2 diesel fuel in a field in DeKalb County, Indiana. Through a small drainage ditch, the diesel fuel spread downstream into Fish Creek. Seven miles of Fish Creek were directly contaminated.



The 7 miles significantly contaminated during the spill are considered the most environmentally sensitive portion of Fish Creek. Many natural resources were injured including fish, mammals, birds, other wildlife using the creek and 3 federally endangered mussels: the white cat's paw pearly mussel, the northern riffleshell mussel, and the clubshell mussel. The white cat's paw pearly mussel was known to survive nowhere else on earth except Fish Creek before the diesel fuel spill occurred. Fish Creek is a closely interdependent ecosystem. For example, mussels need healthy, diverse fish populations at the beginning of their life cycle when they initially attach on to fish for dispersal. Adult mussels are especially sensitive to pollution because they spend a significant amount of their life buried in the stream bed.

In 1996, the natural resource trustees settled claims for natural resource injuries caused by the 1993 diesel fuel spill. A \$2,507,000 court registry account was established to be used exclusively for the restoration of Fish Creek.

## Restoration of Fish Creek

A Restoration Plan was finalized in February 1997. Objectives of the Fish Creek Restoration Plan involve water quality improvement and riparian corridor protection. Mussels and their host fish are extremely vulnerable to pollutants that enter the water from the surrounding land. The increased loss of soil into the stream caused by run-off and stream bank erosion can directly kill some organisms. The restoration of forests along Fish Creek (also referred to as a riparian corridor) and wetlands will provide many benefits that restore the Fish Creek ecosystem:

- Filtering nutrients and other pollutants
- Reducing stream bank erosion and soil loss
- Storing flood waters
- Shading the creek
- Maintaining quality and level of ground water
- Providing food and oxygen to the food web
- Providing important wildlife habitat

Voluntary landowner participation in restoration activities is extremely important for accomplishing these objectives.

The trustees are offering landowners along the main stem of Fish Creek and its larger tributaries the opportunity to participate in restoration efforts. To help achieve restoration, the trustees would like to work with and provide compensation to landowners interested in participating in the long-term protection of Fish Creek. Opportunities for landowners include placing conservation easements on their riparian corridor, selling property at fair market price, restoring wetlands and riparian

forests, and implementing agricultural best management practices.

## Opportunities for Landowners

### Perpetual Conservation Easement

A perpetual conservation easement is a voluntary agreement attached to the property deed whereby a property owner agrees to restrict the use of designated acres for conservation in perpetuity. **The landowner retains ownership of the land and public access is at the landowner's discretion.** Landowners are encouraged to use the land under easement for compatible uses.



The trustees offer the following to landowners who voluntarily place conservation easements on their property:

- Up to 70% of fair market price for a minimum width of 100 feet on one side of the creek or 200 feet on both sides of the creek
- Restoration as deemed necessary and agreed to by the landowner on acres under easement, including reforestation, stream bank stabilization, wetland restoration, planting native grasses, etc.
- Trustee payment of transaction costs

### Voluntarily Selling Land at Fair Market Price

The trustees offer the following to landowners who choose to sell property adjacent to Fish Creek or its larger tributaries:

- Fair market price based on appraisal
- Trustee payment of transaction costs
- Options to allow life estates, etc.
- Trustee payment of transaction costs for the donation of property to State DNR or a non-profit organization
- Restoration of the property and its protection

### Agricultural Best Management Practices

The trustees offer financial assistance to landowners who voluntarily implement agricultural practices such as conservation tillage, conversion to non-row crops, fencing of livestock away from the creek and provision of another water source, stream bank stabilization, grass waterways, filter strips, and pasture improvements. The trustees offer the following:

- Financial assistance with the purchase of equipment to implement conservation practices (level of assistance will be based on the ratio of tillable flood plain to total tillable acres; for example, if equipment cost is \$100 per total tillable acre and there are 20 acres of tillable flood plain, the landowner can receive up to \$2,000 in assistance for the purchase)
- Payment of 75% to 100% of the cost to implement practices such as fencing, grass waterways, etc.
- Trustees will require a maintenance agreement for the life of the practice &/or equipment

For all offers, the trustees will consider exceptional areas not covered by these offers on a per case basis. For more information contact the Biologist in your state.

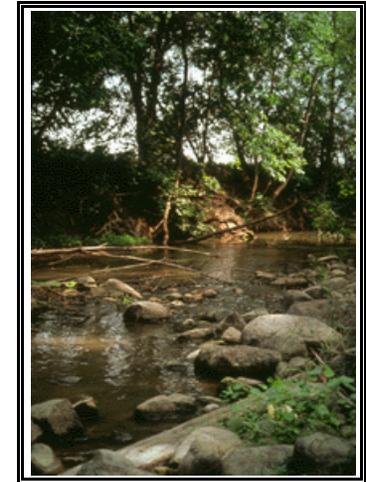
Contacts:

Alger Van Hoey  
District Wildlife Biologist  
Indiana Dept. of Natural Resources  
Division of Fish and Wildlife  
305 North Meadow Lane  
Kendallville, Indiana 46755  
(219) 347-2945

Bob Flickinger  
Private Lands Biologist  
Ohio Division of Wildlife  
952A Lima Avenue  
Findlay, Ohio 45840  
(419) 424-5000

# Fish Creek Restoration

*Opportunities for Landowners Along Fish Creek*



Natural Resource Trustees:

U.S. Fish and Wildlife Service  
Indiana Department of Environmental Management  
Indiana Department of Natural Resources  
Ohio Environmental Protection Agency  
Ohio Department of Natural Resources