

Chair Kick, Vice-Chair Lear, Ranking Member Rogers, and members of the House Agriculture and Natural Resources Committee:

Thank you for this opportunity to speak. I am Brian Ball the City Engineer for Mount Vernon, Ohio, a Kokosing Scenic River Advisory Council Member and a member of the Ohio Scenic Rivers Association. Additionally I am a Farmer, and previously I was an Engineer with the US Army Corps of Engineers. Where one of my roles was to plan, design and construct river restoration projects.

I see infrastructure as a life support system for dense living. Water is a critical component to all infrastructure. Protecting and preserving our Rivers helps to ensure water is available for us today and for our future generations.

Most infrastructure has high costs to maintain, however, with a Scenic River designation in Ohio we are creating a “fan club”. These “fan clubs” volunteer large amounts of time to enhance their rivers thereby protecting and preserving water resources critical to the live support system for our Ohio.

Ohio created the first Scenic River Law in the nation when former Governor Rhodes signed legislation in March of 1968 creating the Scenic Rivers Program. This legislation even pre-dated the National Wild and Scenic Rivers Act which was not passed until October 1968. Today Ohio has 15 designated wild, scenic, and recreational rivers capturing over 800 river miles across the state. This program has benefited Ohioans for over 55 years by protecting some of the state's highest quality river resources ensuring clean water and natural stream corridors to fish, swim, paddle or simply enjoy nature in.

The passage of Senate Bill 156 will provide several changes to the Ohio Scenic River Law that will enhance the program’s ability to serve the citizens of Ohio.

First this bill provides for the realignment of the Ohio Revised Code (ORC) placing the Scenic Rivers Program back into the Division of Natural Areas and Preserves section of code, Section 1517, from the Division of Parks and Watercraft’s section of code, Section 1547. Historically, the Scenic Rivers Program was contained within the Division of Natural Areas and Preserves, however, the program was moved into the Division of Watercraft in 2009. Under Governor DeWine’s leadership the Scenic Rivers Program has been moved back into the Division of Natural Areas and Preserves with which its mission is most closely aligned. This change will not modify any of the program’s authorities but will simply place the program statutorily back in the Division of Natural Areas and Preserves.

One of the most important aspects of this bill is that it will modify confusing language regarding the designation of wild, scenic, and recreational rivers. Currently, the ORC provides that the Director can designate any watercourse with adjacent lands out to 1,000 feet from the normal waterlines of the watercourse as a wild, scenic, or recreational river area. This creation of the

1,000-foot wide “wild, scenic, or recreational river area” raised concerns among landowners within this corridor that the designation would lead to regulation of their private property. While subsequent paragraphs of the Scenic River Law ensure the protection of private property rights, landowners still have concern. The proposed changes **eliminate the creation of the 1,000-foot wild, scenic, or recreational river area and just provide for the designation of the watercourse**. This should provide clarity to landowners that their land and private property rights will not be impacted by the designation of a wild, scenic, or recreational river. Current language in the law providing for the protection of private property rights will remain with slight modifications to clarify these protections as well.

This bill provides for additional clarification by creating the definition of “Scenic River Lands” that will apply to all property owned and managed by the Department of Natural Resources along designated wild, scenic, and recreational rivers. Currently, the department owns and manages over 2,500 acres of land along designated wild, scenic, and recreational rivers which are governed by rules set forth in the Ohio Administrative Code. Often landowners would mistakenly apply these Rules for Scenic River Lands to the 1,000-foot wide wild, scenic, and recreational river area previously discussed. With the elimination of the wild, scenic, and recreational river area and the creation of the definition of Scenic River Lands within the ORC this should provide further clarity to riverfront property owners.

Finally, this bill increases the length of the public comment period for any proposed wild, scenic, or recreational river designation from 30 to 60 days after the Director issues the Departments Intent to Designate. This will provide the public with additional time to comment on a proposed designation.