



Ohio Department of Natural Resources

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**Senate Agriculture and Natural Resources Committee
Proponent Testimony on Senate Bill 156 (Scenic Rivers Designation)
Provided by Jeff Johnson
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Good afternoon Chair Schaffer, Vice-Chair Landis, Ranking Member Hicks-Hudson, and members of the Senate Agriculture and Natural Resources Committee. I want to thank you for allowing me to present testimony in support of Senate Bill 156 (S.B. 156), which pertains directly to the Ohio Scenic Rivers Program. My name is Jeff Johnson, and I am the Chief of the Division of Natural Areas and Preserves (DNAP), which is the division responsible for administering the scenic rivers program for the Ohio Department of Natural Resources (ODNR).

To provide some background, the Ohio Scenic Rivers Program dates back to the passage of the Ohio Scenic River Law in 1968, which is the same year the National Wild and Scenic Rivers Act which was enacted by Congress. The mission of the Ohio Scenic Rivers Program is to work cooperatively with local governments, businesses, landowners, non-profit organizations and other state and federal agencies to protect aquatic life, the quality of the streams, and the surrounding wildlife that rely on healthy riparian habitats of Ohio's healthiest and most robust waterways. Since its founding, the program has grown to include 15 wild, scenic and recreational rivers spanning over 800 miles of watercourse in the state.

The cornerstone of this program is the designation process, which provides recognition for the stewardship of these high-quality water resources, and also provides for oversight of publicly funded projects in, over or along the river that could negatively impact water quality and the unique plants and animals that live there. Public notification, input and support is the foundation for new stream designations, but while undertaking recent efforts to add new rivers to the program, ODNR heard local concern about the way the current statute is written. Those concerns required a pause on the

designation of new waterways while we worked toward better ways of communicating the intent of the program.

Senate Bill 156 addresses many of the issues which have been at the root of concerns with the existing Scenic River law. Perhaps the most critical purpose of the bill is to correct and clarify confusing and ambiguous statutory language. Recent efforts to designate a new scenic river in Southeast Ohio brought to light several sections of law causing considerable confusion. Much of the confusion stemmed from language delineating an area extending up to 1,000 feet from each bank of a designated river as a "Scenic River Area." Many who owned property within this 1,000-foot corridor were concerned that a designation could lead to an infringement of their private property rights by granting management authority of these lands to the State of Ohio.

It has never been the intent of the Scenic Rivers Program to infringe on private property rights, but we understand how the existing statutory language could be confusing. As such, we have worked with the bill sponsors to clarify the intent of our program by removing the term "Scenic River Area" from statute and more explicitly stating that the Department has no authority to oversee private activities on private property. ODNR would, however, still maintain its oversight of publicly funded projects within 1,000 feet of a designated river's watercourse.

This bill also provides clarification by adding a definition of "Scenic River Lands" which applies to property that is owned and managed by the Ohio Department of Natural Resources with the direct intent of protecting the watershed of designated wild, scenic or recreational rivers. This definition helps to clarify that management and oversight of lands along these designated rivers applies only to those lands that the state owns and manages and does not pertain to lands that are privately owned.

Another purpose of this bill is to realign the Ohio Revised Code pertaining to the Scenic Rivers Program. The Scenic Rivers Program was originally administered through the

Division of Natural Areas and Preserves in Section 1517. More than a decade ago, the program was moved into the Division of Watercraft, which has since become the Division of Parks and Watercraft under Section 1547. Under the current administration's leadership, the oversight of the Scenic Rivers Program was again moved back into the Division of Natural Areas and Preserves, with authority being delegated by the Chief of the Division of Parks and Watercraft to the Chief of the Division of Natural Areas and Preserves. This realignment, while having no change on the program's legal authority or day-to-day operations, will place the program statutorily back within the Division of Natural Areas and Preserves where it was originally located and remains most closely aligned.

A final and important change in this bill is the extension of the public comment period following the ODNR Director's announcement of intent to designate a new river from 30 days to 60 days. This change was made in direct response to concerns from several constituent groups who requested additional time for individuals most concerned with the designation process to provide their input.

Before I close, I would like to thank Senator Reineke and Senator Hackett for their leadership on this issue and for introducing such an important bill. We believe the changes in S.B. 156 will help resolve public concerns and allow the Department to continue adding more high-quality stream systems across the state to the Scenic Rivers Program.

Chairman Schaffer, Vice-Chair Landis, Ranking Member Hick-Hudson and members of the Committee, thank you again for allowing me to be here today. I am more than happy to answer any questions you may have.