

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 156

Senators Reineke, Hackett

A BILL

To amend sections 505.82, 1514.10, 1517.01, 1
1517.02, 1517.021, 1517.11, 1531.04, 1546.01, 2
1546.02, 1546.04, 1547.73, 1547.75, 1547.81, 3
1547.82, 1547.83, 1547.84, 1547.85, 1547.86, 4
3714.03, and 4501.24 and to amend, for the 5
purpose of adopting new section numbers as 6
indicated in parentheses, sections 1547.81 7
(1517.14), 1547.82 (1517.15), 1547.83 (1517.16), 8
1547.84 (1517.17), 1547.85 (1517.18), and 9
1547.86 (1517.19) of the Revised Code to revise 10
the law governing the designation of wild, 11
scenic, and recreational rivers. 12

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 505.82, 1514.10, 1517.01, 13
1517.02, 1517.021, 1517.11, 1531.04, 1546.01, 1546.02, 1546.04, 14
1547.73, 1547.75, 1547.81, 1547.82, 1547.83, 1547.84, 1547.85, 15
1547.86, 3714.03, and 4501.24 be amended and sections 1547.81 16
(1517.14), 1547.82 (1517.15), 1547.83 (1517.16), 1547.84 17
(1517.17), 1547.85 (1517.18), and 1547.86 (1517.19) of the 18
Revised Code be amended for the purpose of adopting new section 19
numbers as indicated in parentheses to read as follows: 20

Sec. 505.82. (A) If a board of township trustees by a 21
unanimous vote or, in the event of the unavoidable absence of 22
one trustee, by an affirmative vote of two trustees adopts a 23
resolution declaring that an emergency exists that threatens 24
life or property within the unincorporated territory of the 25
township or that such an emergency is imminent, the board may 26
exercise the powers described in divisions (A)(1) and (2) and 27
(B) of this section during the emergency for a period of time 28
not exceeding six months following the adoption of the 29
resolution. The resolution shall state the specific time period 30
for which the emergency powers are in effect. 31

(1) If an owner of an undedicated road or stream bank in 32
the unincorporated territory of the township has not provided 33
for the removal of snow, ice, debris, or other obstructions from 34
the road or bank, the board may provide for that removal. Prior 35
to providing for the removal, the board shall give, or make a 36
good faith attempt to give, oral notice to the owner or owners 37
of the road or bank of the board's intent to clear the road or 38
bank and to impose a service charge for doing so. The board 39
shall establish just and equitable service charges for the 40
removal to be paid, except as provided in division (B) of this 41
section, by the owners of the road or bank. 42

The board shall keep a record of the costs incurred by the 43
township in removing snow, ice, debris, or other obstructions 44
from the road or bank. The service charges shall be based on 45
these costs and shall be in an amount sufficient to recover 46
these costs. If there is more than one owner of the road or 47
bank, the board, except as provided in division (B) of this 48
section, shall allocate the service charges among the owners on 49
an equitable basis. The board shall notify, in writing, each 50
owner of the road or bank of the amount of the service charges 51

and shall certify the charges to the county auditor. The service 52
charges shall constitute a lien upon the property. The auditor 53
shall place the service charges on a special duplicate to be 54
collected as other taxes and returned to the township general 55
fund. 56

(2) The board may contract for the immediate acquisition, 57
replacement, or repair of equipment needed for the emergency 58
situation, without following the competitive bidding 59
requirements of section 5549.21 or any other section of the 60
Revised Code. 61

(B) In lieu of collecting service charges from owners for 62
the removal of snow or ice from an undedicated road by the board 63
of township trustees as provided in division (A) (1) of this 64
section, the board may enter into a contract with a developer 65
whereby the developer agrees to pay the service charges for the 66
snow and ice removal instead of the owners. 67

(C) The removal of snow, ice, debris, or other 68
obstructions from an undedicated road by a board of township 69
trustees acting pursuant to a resolution adopted under division 70
(A) of this section does not constitute approval or acceptance 71
of the undedicated road. 72

(D) As used in this section, "undedicated road" means a 73
road that has not been approved and accepted by the board of 74
county commissioners and is not a part of the state, county, or 75
township road systems as provided in section 5535.01 of the 76
Revised Code. 77

(E) Nothing in this section shall be construed to waive 78
the requirement under section ~~1547.82~~1517.15 of the Revised 79
Code that approval of plans be obtained from the director of 80

natural resources or the director's representative prior to 81
modifying or causing the modification of the channel of any 82
watercourse ~~in that is~~ a wild, scenic, or recreational river 83
~~area~~ outside the limits of a municipal corporation. 84

Sec. 1514.10. No person shall: 85

(A) (1) Engage in surface mining without a permit; 86

(2) Engage in in-stream mining or conduct an in-stream 87
mining operation without an in-stream mining permit issued by 88
the chief of the division of mineral resources management. A 89
person who, on March 15, 2002, holds a valid permit to conduct 90
in-stream mining that is issued under section 10 of the "Rivers 91
and Harbors Appropriation Act of 1899," 30 Stat. 1151, 33 U.S.C. 92
403, as amended, shall not be required to obtain an in-stream 93
mining permit from the chief under this chapter until the 94
existing permit expires. 95

(B) Exceed the limits of a surface or in-stream mining 96
permit or amendment to a permit by mining land contiguous to an 97
area of land affected under a permit or amendment, which 98
contiguous land is not under a permit or amendment; 99

(C) Purposely misrepresent or omit any material fact in an 100
application for a surface or in-stream mining permit or 101
amendment, an annual or final report, or any hearing or 102
investigation conducted by the chief or the reclamation 103
commission; 104

(D) Fail to perform any measure set forth in the approved 105
plan of mining and reclamation that is necessary to prevent 106
damage to adjoining property or to achieve a performance 107
standard required in division (A) (10) of section 1514.02 of the 108
Revised Code, or violate any other requirement of this chapter, 109

a rule adopted thereunder, or an order of the chief; 110

(E) Conduct surface excavations of minerals within any of 111
the following: 112

(1) One hundred twenty feet horizontal distance outward 113
from the highwater mark on each bank of ~~an area~~ a watercourse 114
designated as a wild, scenic, or recreational river ~~area~~ under 115
sections ~~1547.81 to 1547.86~~ 1517.14 to 1517.19 of the Revised 116
Code or of a portion of a ~~river~~ watercourse designated as a 117
component of the national wild and scenic river system under the 118
"Wild and Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 119
1274, as amended; 120

(2) Seventy-five feet horizontal distance outward from the 121
highwater mark on each bank of a watercourse that drains a 122
surface area of more than one hundred square miles; 123

(3) Fifty feet horizontal distance outward from the 124
highwater mark on each bank of a watercourse that drains a 125
surface area of more than twenty-five square miles, but fewer 126
than one hundred square miles unless a variance is obtained 127
under rules adopted by the chief. 128

(F) Conduct any surface mining activity within any of the 129
following: 130

(1) Seventy-five feet horizontal distance outward from the 131
highwater mark on each bank of ~~an area~~ a watercourse designated 132
as a wild, scenic, or recreational river ~~area~~ under sections 133
~~1547.81 to 1547.86~~ 1517.14 to 1517.19 of the Revised Code or of 134
a portion of a ~~river~~ watercourse designated as a component of 135
the national wild and scenic river system under the "Wild and 136
Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 1274, as 137
amended; 138

(2) Seventy-five feet horizontal distance outward from the highwater mark on each bank of a watercourse that drains a surface area of more than one hundred square miles;

(3) Fifty feet horizontal distance outward from the highwater mark on each bank of a watercourse that drains a surface area of more than twenty-five square miles, but fewer than one hundred square miles unless a variance is obtained under rules adopted by the chief.

A person who has been issued a surface mining permit prior to March 15, 2002 may continue to operate under that permit and shall not be subject to the prohibitions established in divisions (E) and (F) of this section until the permit is renewed.

The number of square miles of surface area that a watercourse drains shall be determined by consulting the "gazetteer of Ohio streams," which is a portion of the Ohio water plan inventory published in 1960 by the division of water in the department of natural resources, or its successor, if any.

(G) Engage in any part of a process that is followed in the production of minerals from the bottom of the channel of a watercourse in any of the following circumstances or areas:

(1) In ~~an area~~ a watercourse designated as a wild, scenic, or recreational river ~~area~~ under sections ~~1547.81 to 1547.86~~ 1517.14 to 1517.19 of the Revised Code, in a portion of a ~~river~~ watercourse designated as a component of the national wild and scenic river system under the "Wild and Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 1274, as amended, or within one-half mile upstream of any portion of ~~such an area~~ a watercourse

<u>designated as a wild, scenic, or recreational river or</u>	168
component;	169
(2) During periods other than periods of low flow, as	170
determined by rules adopted under section 1514.08 of the Revised	171
Code;	172
(3) During critical fish or mussel spawning seasons as	173
determined by the chief of the division of wildlife under	174
Chapter 1531. of the Revised Code and rules adopted under it;	175
(4) In an area known to possess critical spawning habitat	176
for a species of fish or mussel that is on the federal	177
endangered species list established in accordance with the	178
"Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531-	179
1543, as amended, or the state endangered species list	180
established in rules adopted under section 1531.25 of the	181
Revised Code.	182
Division (G) of this section does not apply to the	183
activities described in divisions (M) (1) and (2) of section	184
1514.01 of the Revised Code.	185
Sec. 1517.01. As used in Chapter 1517. of the Revised	186
Code <u>this chapter:</u>	187
(A) "Natural area" means an area of land or water which	188
either retains to some degree or has re-established its natural	189
character, although it need not be completely undisturbed, or	190
has unusual flora, fauna, geological, archeological, scenic, or	191
similar features of scientific or educational interest.	192
(B) "Nature preserve" means an area which is formally	193
dedicated under section 1517.05 of the Revised Code.	194
<u>(C) "Recreational river" means a watercourse declared a</u>	195

recreational river by the director of natural resources under 196
section 1517.14 of the Revised Code and includes those 197
watercourses or sections of watercourses that are readily 198
accessible by road or railroad, that may have some development 199
along their shorelines, and that may have undergone some 200
impoundment or diversion in the past. 201

(D) "Scenic river" means a watercourse or a section of 202
watercourse declared a scenic river by the director under 203
section 1517.14 of the Revised Code to which both of the 204
following apply: 205

(1) It is free of impediments constructed by humans for at 206
least seventy-five per cent of the length of the watercourse or 207
section of the watercourse or it is combined with another 208
section of a watercourse that has been designated a wild river. 209

(2) It has shorelines or watersheds that are largely 210
primitive and undeveloped, but accessible in places by roads. 211

(E) "Scenic river lands" means any area of land or water 212
within a wild, scenic, or recreational river watershed that is 213
owned by the department of natural resources and administered by 214
the division of natural areas and preserves for the purpose of 215
protecting the natural character and water quality of a wild, 216
scenic, or recreational river. 217

(F) "Watercourse" means a substantially natural channel 218
that is at least five miles in length with recognized banks and 219
a bottom in which the flow of water occurs. 220

(G) "Wild river" means a watercourse declared a wild river 221
by the director under section 1517.14 of the Revised Code and 222
includes those watercourses or sections of watercourses that are 223
free of impoundments and generally inaccessible except by trail, 224

with watersheds or shorelines essentially primitive and waters 225
unpolluted, representing vestiges of primitive America. 226

Sec. 1517.02. (A) There is hereby created in the 227
department of natural resources the division of natural areas 228
and preserves, which shall be administered by the chief of the 229
division of natural areas and preserves. The chief shall take an 230
oath of office and shall file in the office of the secretary of 231
state a bond signed by the chief and by a surety approved by the 232
governor for a sum fixed pursuant to section 121.11 of the 233
Revised Code. 234

(B) The chief shall administer a system of nature 235
preserves. The chief shall establish a system of nature 236
preserves through acquisition and dedication of natural areas of 237
state or national significance, which shall include, but not be 238
limited to, areas that represent characteristic examples of 239
Ohio's natural landscape types and its natural vegetation and 240
geological history. The chief shall encourage landowners to 241
dedicate areas of unusual significance as nature preserves, and 242
shall establish and maintain a registry of natural areas of 243
unusual significance. 244

(C) The chief shall administer a system of wild, scenic, 245
and recreational rivers. The chief ~~may~~ shall supervise, operate, 246
protect, and maintain wild, scenic, and recreational rivers, as 247
designated by the director of natural resources; with the 248
approval of the director of natural resources, cooperate with 249
federal agencies administering any federal program concerning 250
wild, scenic, or recreational river systems; and participate in 251
watershed planning activities with other states, local or 252
federal agencies, or other state agencies. 253

(D) The chief shall do the following: 254

(A) (1) Formulate policies and plans for the acquisition, use, management, and protection of nature preserves;	255 256
(B) (2) Formulate policies for the selection of <u>natural areas of unusual significance</u> suitable for registration;	257 258
(C) (3) Formulate policies for the dedication of areas as nature preserves;	259 260
(D) (4) <u>Formulate policies for the declaration of wild, scenic, and recreational rivers;</u>	261 262
(5) <u>Prepare and maintain surveys and inventories of wild, scenic, and recreational rivers and natural areas, and assist the division of wildlife in preparing and maintaining surveys and inventories of rare and endangered species of plants and animals, and other unique natural features. The information shall be entered in the Ohio natural heritage database, established under section 1531.04 of the Revised Code.</u>	263 264 265 266 267 268 269
(E) (6) <u>Adopt rules for the in accordance with Chapter 119. of the Revised Code establishing all of the following:</u>	270 271
(a) <u>Requirements governing the use, visitation, and protection of nature preserves and natural areas owned or managed through easement, license, or lease by the department and administered by the division in accordance with Chapter 119. of the Revised Code;</u>	272 273 274 275 276
(F) (b) <u>Requirements governing the use, visitation, and protection of scenic river lands and of publicly owned lands that are administered by the division that are within the watersheds of wild, scenic, and recreational rivers;</u>	277 278 279 280
(c) <u>Fees and charges for conducting stream impact reviews of any planned or proposed construction, modification,</u>	281 282

renovation, or development project that is subject to approval 283
under section 1517.15 of the Revised Code and may potentially 284
impact a designated wild, scenic, or recreational river. Such 285
fees and charges shall be credited to the natural areas and 286
preserves fund created in section 1517.11 of the Revised Code. 287

(d) Fees and charges for the use of facilities in nature 288
preserves, scenic river lands, and on publicly owned lands that 289
are administered by the division and are within the watersheds 290
of wild, scenic, and recreational rivers. Such fees and charges 291
shall be credited to the natural areas and preserves fund 292
created in section 1517.11 of the Revised Code. 293

(7) Provide facilities and improvements within the state 294
system of nature preserves, wild, scenic, and recreational 295
rivers, scenic river lands, and publicly owned lands that are 296
administered by the division and are within the watersheds of 297
those rivers that are necessary for their visitation, use, 298
restoration, and protection and do not impair their natural 299
character; 300

~~(G)~~ (8) Provide interpretive programs and publish and 301
disseminate information pertaining to nature preserves and 302
natural areas, scenic river lands, and publicly owned lands that 303
are administered by the division and are within the watersheds 304
of wild, scenic, and recreational rivers for their visitation 305
and use; 306

~~(H)~~ (9) Conduct and grant permits to qualified persons for 307
the conduct of scientific research and investigations within 308
nature preserves, wild, scenic, and recreational rivers, scenic 309
river lands, and publicly owned lands that are administered by 310
the division and are within the watersheds of those rivers; 311

~~(I)~~ (10) Establish an appropriate system for marking 312
nature preserves, wild, scenic, and recreational rivers, scenic 313
river lands, and publicly owned lands that are administered by 314
the division and are within the watersheds of those rivers; 315

~~(J)~~ (11) Provide wild, scenic, and recreational river 316
conservation education; 317

(12) Provide for protection, restoration, habitat 318
enhancement, and clean-up projects in wild, scenic, and 319
recreational rivers, scenic river lands, and publicly owned 320
lands that are administered by the division and are within the 321
watersheds of those rivers; 322

(13) Publish and submit to the governor and the general 323
assembly a biennial report of ~~the~~; 324

(a) The status and condition of each nature preserve, 325
activities conducted within each preserve, and plans and 326
recommendations for natural area preservation; 327

(b) The status and condition of each wild, scenic, and 328
recreational river and activities conducted within each river 329
corridor. 330

(E) The chief, in carrying out sections 1517.14 to 1517.19 331
of the Revised Code, may accept, receive, and expend donations, 332
gifts, devises, or bequests of money, lands, or other properties 333
as authorized under section 9.20 of the Revised Code. If the 334
donations, gifts, devises, and bequests are monetary in nature, 335
the money shall be credited to the scenic rivers protection fund 336
created in section 4501.24 of the Revised Code. 337

Sec. 1517.021. No person shall violate any rule adopted 338
pursuant to division ~~(E)~~ (D) (6) of section 1517.02 of the 339
Revised Code. 340

Sec. 1517.11. There is hereby created in the state 341
treasury the natural areas and preserves fund, which shall 342
consist of moneys transferred into it under section 5747.113 of 343
the Revised Code and of contributions made directly to it. Any 344
person may contribute directly to the fund in addition to or 345
independently of the income tax refund contribution system 346
established in that section. 347

Moneys in the fund shall be disbursed pursuant to vouchers 348
approved by the director of natural resources for use by the 349
division of natural areas and preserves solely for the following 350
purposes: 351

(A) The acquisition of new or expanded natural areas and 352
nature preserves and scenic river lands; 353

(B) Facility development in natural areas and nature 354
preserves and scenic river lands; 355

(C) Special projects, including, but not limited to, 356
biological inventories, research grants, and the production of 357
interpretive material related to natural areas and nature 358
preserves and scenic river lands; 359

(D) Routine maintenance for health and safety purposes. 360

Money in the fund also may be used for the purposes of 361
administering a system of wild, scenic, and recreational rivers, 362
scenic river lands, and facilities or improvements associated 363
with such rivers and lands. 364

Moneys appropriated from the fund shall not be used to 365
fund salaries of permanent employees or administrative costs. 366

All investment earnings of the fund shall be credited to 367
the fund. 368

Sec. ~~1547.81~~ 1517.14. (A) The director of natural 369
resources ~~or the director's representative~~ may create, ~~wild,~~ 370
~~scenic, and recreational~~ rivers. The chief of the division of 371
~~natural areas and preserves shall~~ supervise, operate, protect, 372
and maintain wild, scenic, and recreational ~~river areas~~ rivers so 373
~~created.~~ In creating wild, scenic, and recreational ~~river~~ 374
~~areas~~ rivers, the director shall classify each such ~~area~~ 375
~~watercourse~~ as either a wild river ~~area~~, a scenic river ~~area~~, or 376
a recreational river ~~area~~. The ~~director or the director's~~ 377
~~representative~~ chief may prepare and maintain a plan for the 378
establishment, development, use, and administration of those 379
~~areas~~ rivers as a part of the comprehensive state plans for 380
water management and outdoor recreation. The ~~director or the~~ 381
~~director's representative~~ chief, with the approval of the 382
~~director,~~ may cooperate with federal agencies administering any 383
federal program concerning wild, scenic, or recreational river 384
~~area~~ systems. 385

(B) The director may propose ~~for establishment as to~~ 386
~~create a~~ wild, scenic, or recreational river ~~area~~ that consists 387
~~of a~~ part or parts of any watercourse in this state, ~~with~~ 388
~~adjacent lands,~~ that in the director's judgment possesses water 389
conservation, scenic, fish, wildlife, historic, or outdoor 390
recreation values that should be preserved. ~~The area shall~~ 391
~~include lands adjacent to the watercourse in sufficient width to~~ 392
~~preserve, protect, and develop the natural character of the~~ 393
~~watercourse, but shall not include any lands more than one~~ 394
~~thousand feet from the normal waterlines of the watercourse~~ 395
~~unless an additional width is necessary to preserve water~~ 396
~~conservation, scenic, fish, wildlife, historic, or outdoor~~ 397
~~recreation values.~~ 398

(C) (1) The director shall publish the intention to declare 399

~~an area a watercourse~~ a wild, scenic, or recreational river ~~area~~ 400
at least once in a newspaper of general circulation in each 401
county, any part ~~of through which is within the area, and the~~ 402
watercourse flows. The director also shall send written notice 403
of the intention to the legislative authority of each county, 404
township, and municipal corporation and to each conservancy 405
district established under Chapter 6101. of the Revised Code, 406
any part ~~of through which is within the area~~ the watercourse 407
flows, and to the director of transportation, the director of 408
development, the director of administrative services, and the 409
director of environmental protection. The notices shall include 410
a copy of a map and description of the ~~area~~ watercourse to be 411
designated. 412

(2) The director of natural resources shall post the 413
intention to declare a watercourse a wild, scenic, or 414
recreational river on the division of natural areas and 415
preserves' web site on the date of the initial publication under 416
division (C) (1) of this section. 417

(3) Any person having an interest in the proposed 418
declaration may file written comments to the proposal within 419
sixty days of the last date of publication or dispatch of 420
written notice as required under division (C) (1) of this 421
section. The director shall post on the division's web site the 422
last date by which written comments may be filed. 423

(4) After ~~thirty-sixty~~ days from the last date of 424
publication or dispatch of written notice as required ~~in~~ under 425
division (C) (1) of this section, the director shall ~~may~~ enter a 426
declaration in the director's journal that the ~~area~~ watercourse 427
is a wild river ~~area~~, scenic river ~~area~~, or recreational river ~~area~~ 428
~~area~~. When so entered, the ~~area~~ watercourse is a wild, scenic, 429

or recreational river~~area~~, as applicable. The director, after 430
~~thirty sixty~~ days' notice as prescribed in this section, may 431
terminate the status of ~~an area a~~ watercourse as a wild river- 432
~~area~~, scenic river~~area~~, or recreational river~~area~~ by an entry 433
in the director's journal. 434

(D) Declaration by the director that an area is of a 435
watercourse as a wild, scenic, or recreational river area does 436
not ~~authorize~~ do either of the following: 437

(1) Affect private property rights or authorize the 438
director, chief of the division of natural areas and preserves, 439
or any governmental agency or political subdivision to restrict 440
the use of private land by the owner thereof or any person 441
~~acting under the landowner's authority adjacent to the river or~~ 442
to enter upon ~~the private land and does not expand;~~ 443

(2) Expand or abridge the regulatory authority of any 444
governmental agency or political subdivision over the ~~area~~river. 445

(E) The director may enter into a lease or other agreement 446
~~with a political subdivision to administer all or part of a~~ 447
~~wild, scenic, or recreational river area and may acquire real~~ 448
property or any estate, right, or interest therein in order to 449
provide for the protection and public recreational use of a 450
wild, scenic, or recreational river~~area~~. The director may enter 451
into a lease or other agreement with a political subdivision to 452
administer all or part of any publicly owned land that is 453
administered by the division and that is within the watershed of 454
a wild, scenic, or recreational river. 455

~~The chief of the division of parks and watercraft or the~~ 456
~~chief's representative may participate in watershed-wide~~ 457
~~planning with federal, state, and local agencies in order to~~ 458

~~protect the values of wild, scenic, and recreational river areas.~~ 459
460

(F) A wild, scenic, or recreational river that was 461
declared as such by the director of natural resources under 462
Chapter 1547. of the Revised Code prior to the effective date of 463
this amendment retains its declaration as a wild, scenic, or 464
recreational river for purposes of sections 1517.14 to 1517.19 465
of the Revised Code on and after that date. 466

Sec. ~~1547.82~~ 1517.15. No state department, state agency, 467
or political subdivision shall build or enlarge any highway, 468
road, or structure or modify or cause the modification of the 469
channel of any watercourse within ~~a one thousand feet of a wild,~~ 470
scenic, or recreational river ~~area~~ outside the limits of a 471
municipal corporation without first having obtained approval of 472
the plans for the highway, road, or structure or channel 473
modification from the director of natural resources or the 474
director's representative. The state department, state agency, 475
or political subdivision, with the approval of the director or 476
the director's representative, may so build, enlarge, or modify 477
beyond one thousand feet on publicly owned land if necessary to 478
preserve water conservation, scenic, fish, wildlife, historic, 479
or outdoor recreation values. The court of common pleas having 480
jurisdiction, upon petition by the director, shall enjoin work 481
on any highway, road, or structure or channel modification for 482
which such approval has not been obtained. 483

Sec. ~~1547.83~~ 1517.16. (A) The chief of the division of 484
~~parks and watercraft shall administer the state programs for~~ 485
~~wild river areas, scenic river areas, and recreational river~~ 486
~~areas. The chief~~ natural areas and preserves may accept and 487
administer state and federal financial assistance for the 488

maintenance, protection, and administration of wild, scenic, and recreational ~~river areas~~ rivers and scenic river lands and for construction of facilities ~~within these areas~~ on publicly owned lands that are administered by the division and are within the watersheds of those rivers. ~~The~~

The chief, with the approval of the director of natural resources, may expend for the purpose of administering the state programs for wild, scenic, and recreational ~~river areas~~ rivers money that is ~~appropriated~~.

(1) Appropriated by the general assembly for that purpose, ~~money that is in;~~

(2) In the scenic rivers protection fund created in section 4501.24 of the Revised Code, ~~and money that is in;~~

(3) In the natural areas and preserves fund created in section 1517.11 of the Revised Code;

(4) In the waterways safety fund created in section 1547.75 of the Revised Code, including money generated by the waterways conservation assessment fee levied by sections 1547.54 and 1547.542 of the Revised Code, as determined to be necessary by the division of parks and watercraft and the division of natural areas and preserves not to exceed six hundred fifty thousand dollars per fiscal year. ~~The chief may condition any expenditures, maintenance activities, or construction of facilities on the adoption and enforcement of adequate floodplain zoning or land use rules.~~

(B) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

~~The chief may cooperate with federal agencies— 518
administering any federal program concerning wild, scenic, or 519
recreational river areas. 520~~

(C) Notwithstanding any provision of this section to the 521
contrary, any expenditures made pursuant to this section shall 522
be made only on lands, or portions thereof, owned by the 523
department of natural resources and administered by the division 524
of natural areas and preserves or on other lands when agreed to, 525
in writing, by the owner of the lands within the watershed of 526
the wild, scenic, or recreational river, or portion thereof. 527

Sec. ~~1547.84~~ 1517.17. The chief of the division of natural 528
areas and preserves, with the approval of the director of 529
natural resources, shall appoint an advisory council for each 530
wild, scenic, or recreational river—area, Each advisory council 531
shall be composed of not more than ten persons who are 532
representative of local government and local organizations and 533
interests in the vicinity of the wild, scenic, or recreational 534
river area, who watershed. Each person shall serve without 535
compensation. The chief of the division of watercraft or the 536
chief's representative shall serve as an ex officio member of 537
each council. 538

The initial members appointed to each council shall serve 539
for terms of not more than three years, with the terms of not 540
more than four members of any council ending in the same year. 541
Thereafter, terms of office shall be for three years commencing 542
on the first day of February and ending on the last day of 543
January. 544

Each council shall advise the chief on the acquisition of 545
land and easements and on the lands and waters that should be 546
~~included~~ protected in a wild, scenic, or recreational river area— 547

watershed or a proposed wild, scenic, or recreational river 548
~~area~~watershed, facilities therein, and other aspects of 549
establishment and administration of the ~~area~~wild, scenic, or 550
recreational river that may affect the local interest. 551

An advisory council for a wild, scenic, or recreational 552
river that was created by the director under Chapter 1547. of 553
the Revised Code prior to the effective date of this amendment 554
continues to be the advisory council for the applicable wild, 555
scenic, or recreational river for purposes of sections 1517.14 556
to 1517.19 of the Revised Code on and after that date. 557

Sec. ~~1547.85~~ 1517.18. The chief of the division of natural 558
areas and preserves, with the approval of the director of 559
natural resources, may participate in the federal program for 560
the protection of certain selected rivers that are located 561
within the boundaries of the state as provided in the "Wild and 562
Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 1271 et seq., 563
as amended. The director may authorize the chief ~~of the division~~ 564
~~of parks and watercraft~~ to participate in any other federal 565
program established for the purpose of protecting, conserving, 566
or developing recreational access to waters in this state that 567
possess outstanding scenic, recreational, geologic, fish and 568
wildlife, historic, cultural, or other similar values. 569

Sec. ~~1547.86~~ 1517.19. Any action taken by the chief of the 570
division of ~~parks and watercraft~~ natural areas and preserves 571
under sections ~~1547.81 to 1547.86~~ 1517.14 to 1517.19 of the 572
Revised Code shall not be deemed in conflict with certain powers 573
and duties conferred on and delegated to federal agencies and to 574
municipal corporations under Section 7 of Article XVIII, Ohio 575
Constitution, or as provided by sections 721.04 to 721.11 of the 576
Revised Code. 577

Sec. 1531.04. The division of wildlife, at the direction	578
of the chief of the division, shall do all of the following:	579
(A) Plan, develop, and institute programs and policies	580
based on the best available information, including biological	581
information derived from professionally accepted practices in	582
wildlife and fisheries management, with the approval of the	583
director of natural resources;	584
(B) Have and take the general care, protection, and	585
supervision of the wildlife in the state parks known as Lake St.	586
Marys, The Portage Lakes, Lake Loramie, Indian Lake, Buckeye	587
Lake, Guilford Lake, such part of Pymatuning reservoir as lies	588
in this state, and all other state parks and lands owned by the	589
state or in which it is interested or may acquire or become	590
interested, except lands and lakes the care and supervision of	591
which are vested in some other officer, body, board,	592
association, or organization;	593
(C) Enforce by proper legal action or proceeding the laws	594
of the state and division rules for the protection,	595
preservation, propagation, and management of wild animals and	596
sanctuaries and refuges for the propagation of those wild	597
animals, and adopt and carry into effect such measures as it	598
considers necessary in the performance of its duties;	599
(D) Promote, educate, and inform the citizens of the state	600
about conservation and the values of fishing, hunting, and	601
trapping, with the approval of the director;	602
(E) Prepare and maintain surveys and inventories of rare	603
and endangered species of plants and animals and other unique	604
natural features. The information shall be stored in the Ohio	605
natural heritage database, established pursuant to this	606

division, and may be made available to any individual or private 607
or public agency for research, educational, environmental, land 608
management, or other similar purposes that are not detrimental 609
to the conservation of a species or feature. The database shall 610
include information submitted under section 1517.02 of the 611
Revised Code. Information regarding sensitive site locations of 612
species that are listed pursuant to section 1518.01 of the 613
Revised Code and of unique natural features that are included in 614
the Ohio natural heritage database is not subject to section 615
149.43 of the Revised Code if the chief determines that the 616
release of the information could be detrimental to the 617
conservation of a species or unique natural feature. 618

Sec. 1546.01. As used in this chapter and Chapter 1547. of 619
the Revised Code: 620

"Canoe" means a paddlecraft that is normally an open, 621
narrow vessel of shallow draft, typically pointed at both ends 622
and propelled by its occupants through the use of paddles while 623
kneeling or sitting on a raised seat, including a flat-backed 624
canoe and a racing canoe. 625

"Coast guard approved" means bearing an approval number 626
assigned by the United States coast guard. 627

"Conditional approval" means a personal flotation device 628
approval that has one or more conditions with which the user 629
must comply in order for the device to be considered appropriate 630
for meeting the requirements for personal flotation devices for 631
the vessel on which it is being used. 632

"Diver's flag" means a red flag not less than one foot 633
square having a diagonal white stripe extending from the 634
masthead to the opposite lower corner that when displayed 635

indicates that divers are in the water. 636

"Drug of abuse" has the same meaning as in section 4506.01 637
of the Revised Code. 638

"Electronic" includes electrical, digital, magnetic, 639
optical, electromagnetic, or any other form of technology that 640
entails capabilities similar to these technologies. 641

"Electronic record" means a record generated, 642
communicated, received, or stored by electronic means for use in 643
an information system or for transmission from one information 644
system to another. 645

"Electronic signature" means a signature in electronic 646
form attached to or logically associated with an electronic 647
record. 648

"Idle speed" means the slowest possible speed needed to 649
maintain steerage or maneuverability. 650

"Impoundment" means the reservoir created by a dam or 651
other artificial barrier across a watercourse that causes water 652
to be stored deeper than and generally beyond the banks of the 653
natural channel of the watercourse during periods of normal 654
flow, but does not include water stored behind rock piles, rock 655
riffle dams, and low channel dams where the depth of water is 656
less than ten feet above the channel bottom and is essentially 657
confined within the banks of the natural channel during periods 658
of normal stream flow. 659

"Inflatable watercraft" means any vessel constructed of 660
rubber, canvas, or other material that is designed to be 661
inflated with any gaseous substance, constructed with two or 662
more air cells, and operated as a vessel. An inflatable 663
watercraft propelled by a motor is a powercraft. An inflatable 664

watercraft propelled by a sail is a sailboat. An inflatable 665
watercraft propelled by human muscular effort utilizing a paddle 666
or pole is a paddlecraft. An inflatable watercraft propelled by 667
human muscular effort utilizing an oar with the aid of a fulcrum 668
provided by oarlocks, tholepins, crutches, or similar 669
arrangements is a rowboat. 670

"In operation" in reference to a vessel means that the 671
vessel is being navigated or otherwise used on the waters in 672
this state. 673

"Kayak" means a paddlecraft that is typically pointed at 674
both ends and is propelled by human muscular effort by one or 675
more seated individuals who use a double-bladed paddle, 676
including an open kayak with an open deck for operator seating, 677
an enclosed kayak designed to enclose an occupant within a 678
cockpit, a tandem kayak designed for multiple occupants, and a 679
racing kayak. 680

"Law enforcement vessel" means any vessel used in law 681
enforcement or under the command of a law enforcement officer. 682

"Muffler" means an acoustical suppression device or system 683
that is designed and installed to abate the sound of exhaust 684
gases emitted from an internal combustion engine and that 685
prevents excessive or unusual noise. 686

"Navigable waters" means waters that come under the 687
jurisdiction of the department of the army of the United States 688
and any waterways within or adjacent to this state, except 689
inland lakes having neither a navigable inlet nor outlet. 690

"No wake" has the same meaning as "idle speed." 691

"Operator" includes any person who uses, navigates, 692
employs, or has under the person's control a vessel, or vessel 693

and detachable motor, on the waters in this state. 694

"Owner" includes any person, other than a secured party, 695
who claims lawful possession of a vessel by virtue of legal 696
title or equitable interest therein that entitled the person to 697
use or possess the vessel, including a person entitled to use or 698
possess a vessel subject to a security interest in another 699
person, but does not include a lessee under a lease not intended 700
as a security. 701

"Paddlecraft" means any type of canoe, kayak, paddleboard, 702
or other vessel powered only by its occupants using a single or 703
double-bladed paddle as a lever without the aid of a fulcrum 704
provided by oarlocks, tholepins, crutches, or similar 705
mechanisms. 706

"Performance type" means the in-water performance 707
classification of a personal flotation device as determined by 708
the United States coast guard. 709

"Person" includes any legal entity defined as a person in 710
section 1.59 of the Revised Code and any body politic, except 711
the United States and this state, and includes any agent, 712
trustee, executor, receiver, assignee, or other representative 713
thereof. 714

"Personal flotation device" means a United States coast 715
guard approved personal safety device designed to provide 716
buoyancy to support a person in the water. 717

"Personal watercraft" means a vessel, less than sixteen 718
feet in length, that is propelled by a water-jet pump or other 719
machinery and designed to be operated by an individual sitting, 720
standing, or kneeling on the vessel rather than by an individual 721
sitting or standing inside the vessel. 722

"Powercraft" means any vessel propelled by machinery,
fuel, rockets, or similar device.

~~"Recreational river area" means an area declared a
recreational river area by the director under this chapter and
includes those rivers or sections of rivers that are readily
accessible by road or railroad, that may have some development
along their shorelines, and that may have undergone some
impoundment or diversion in the past.~~

"Rowboat" means an open vessel, other than a paddlecraft,
that is designed to be rowed and that is propelled by human
muscular effort by oars and upon which no mechanical propulsion
device, electric motor, internal combustion engine, or sail has
been affixed or is used for the operation of the vessel.
"Rowboat" includes a racing shell and a rowing skull regardless
of length or construction.

"Rules" means rules adopted by the chief of the division
of parks and watercraft under this chapter or Chapter 1547. of
the Revised Code, unless the context indicates otherwise.

"Sailboat" means any vessel, equipped with mast and sails,
dependent upon the wind to propel it in the normal course of
operation.

A vessel with sail as its primary method of propulsion and
mechanical propulsion as its secondary method of propulsion is
an auxiliary sail.

Any sailboat being propelled by mechanical power, whether
under sail or not, is deemed a powercraft and subject to all
laws and rules governing powercraft operation.

~~"Scenic river area" means an area declared a scenic river
area by the director under this chapter and includes those~~

~~rivers or sections of rivers that are free of impoundments, with~~ 752
~~shores or watersheds still largely primitive and shores~~ 753
~~largely undeveloped, but accessible in places by roads.~~ 754

"Sewage" means human body wastes and the wastes from 755
toilets and other receptacles intended to receive or retain body 756
waste. 757

"Throwable personal flotation device" means a device that 758
is intended to be thrown to a person in the water. "Throwable 759
personal flotation device" includes a personal flotation device 760
marked as "Type IV" or "Type V with Type IV performance." 761
"Throwable personal flotation device" does not include a 762
wearable personal flotation device unless it is specifically 763
marked otherwise. 764

"Towed watersport" means any activity that involves being 765
towed by or riding in the wake of a recreational vessel, 766
including both of the following: 767

(1) Riding or attempting to ride on one or more water 768
skis, a wakeboard, a surfboard, an inflatable device, or any 769
other device manufactured or used for the purpose of being towed 770
by a recreational vessel; 771

(2) Engaging or attempting to engage in barefoot skiing or 772
parasailing. 773

"Type one personal flotation device" means a device that 774
is designed to turn an unconscious person floating in water from 775
a face downward position to a vertical or slightly face upward 776
position and that has at least nine kilograms, approximately 777
twenty pounds, of buoyancy. 778

"Type two personal flotation device" means a device that 779
is designed to turn an unconscious person in the water from a 780

face downward position to a vertical or slightly face upward 781
position and that has at least seven kilograms, approximately 782
fifteen and four-tenths pounds, of buoyancy. 783

"Type three personal flotation device" means a device that 784
is designed to keep a conscious person in a vertical or slightly 785
face upward position and that has at least seven kilograms, 786
approximately fifteen and four-tenths pounds, of buoyancy. 787

"Type four personal flotation device" means a device that 788
is designed to be thrown to a person in the water and not worn 789
and that has at least seven and five-tenths kilograms, 790
approximately sixteen and five-tenths pounds, of buoyancy. 791

"Type five personal flotation device" means a device that, 792
unlike other personal flotation devices, has limitations on its 793
approval by the United States coast guard, including, without 794
limitation, any of the following: 795

(1) A designation that states the device is approved only 796
for use while participating in specific activities; 797

(2) A designation that states the device is approved only 798
for use by an operator or passenger of specific types of 799
vessels; 800

(3) A designation that states the device is specifically 801
approved as a substitute for the type of personal flotation 802
device required for use while engaged in certain activities or 803
as an operator or passenger of a vessel. 804

"Vessel" includes every description of craft, including 805
nondisplacement craft, multimodal craft, and submersibles, being 806
used or capable of being used as a means of transportation on 807
water. 808

"Visible" means visible on a dark night with clear atmosphere.	809 810
"Watercourse" means a substantially natural channel with recognized banks and bottom in which a flow of water occurs, with an average of at least ten feet mean surface water width and at least five miles of length.	811 812 813 814
"Watercraft" means any of the following when used or capable of being used for transportation on the water:	815 816
(1) A vessel operated by machinery either permanently or temporarily affixed;	817 818
(2) A sailboat other than a sailboard;	819
(3) An inflatable, manually propelled vessel that is required by federal law to have a hull identification number meeting the requirements of the United States coast guard;	820 821 822
(4) A canoe, kayak, pedalboat, or rowboat;	823
(5) Any of the following multimodal craft being operated on waters in this state:	824 825
(a) An amphibious vehicle;	826
(b) A submersible;	827
(c) An airboat or hovercraft.	828
(6) A vessel that has been issued a certificate of documentation with a recreational endorsement under 46 C.F.R. 67.	829 830 831
"Watercraft" does not include ferries as referred to in Chapter 4583. of the Revised Code.	832 833
Watercraft subject to section 1547.54 of the Revised Code	834

are divided into five classes as follows:	835
Class A: Less than sixteen feet in length;	836
Class 1: At least sixteen feet, but less than twenty-six feet in length;	837 838
Class 2: At least twenty-six feet, but less than forty feet in length;	839 840
Class 3: At least forty feet, but less than sixty-five feet in length;	841 842
Class 4: At least sixty-five feet in length.	843
"Watercraft dealer" means any person who is regularly engaged in the business of manufacturing, selling, displaying, offering for sale, or dealing in vessels at an established place of business that is used primarily for the selling, displaying, offering for sale, or dealing of vessels. "Watercraft dealer" does not include a person who is a marine salvage dealer or any other person who dismantles, salvages, or rebuilds vessels using used parts.	844 845 846 847 848 849 850 851
"Waters in this state" means all streams, rivers, lakes, ponds, marshes, watercourses, waterways, and other bodies of water, natural or humanmade, that are situated wholly or partially within this state or within its jurisdiction and are used for recreational boating.	852 853 854 855 856
"Wearable personal flotation device" means a device that is intended to be worn or otherwise attached to a person's body.	857 858
"Wearable personal flotation device" includes a personal flotation device marked as "Type I," "Type II," "Type III," "Type V with Type II performance," or "Type V with Type III performance."	859 860 861 862

~~"Wild river area" means an area declared a wild river area by the director of natural resources under this chapter and includes those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted, representing vestiges of primitive America.~~

Sec. 1546.02. (A) There is hereby created in the department of natural resources the division of parks and watercraft. The division shall do all of the following:

(1) Administer and enforce all laws relative to the identification, numbering, registration, titling, use, and operation of vessels operated on the waters in this state;

(2) Promote, and educate and inform the citizens of the state about, conservation, navigation, safety practices, and the benefits of recreational boating;

(3) Provide for and assist in the development, maintenance, and operation of marine recreational facilities, docks, launching facilities, and harbors for the benefit of public navigation, recreation, or commerce if the chief of the division determines that they are in the best interests of the state;

~~(4) Provide wild, scenic, and recreational river area conservation education and provide for corridor protection, restoration, habitat enhancement, and clean-up projects in those areas;~~

~~(5)~~ Coordinate and plan trails in accordance with section 1519.03 of the Revised Code;

~~(6)~~ (5) Administer any state or federally funded grant program that is related to natural resources and recreation as

considered necessary by the director of natural resources. 892

(B) The division shall create, supervise, operate, 893
protect, and maintain, and promote the use by the public of, a 894
system of state parks ~~and wild, scenic, and recreational river~~ 895
~~areas~~. As part of that responsibility, the division shall 896
control and manage all lands and waters dedicated and set apart 897
for state park purposes. The division shall do all of the 898
following regarding those lands and waters: 899

(1) Protect and maintain them; 900

(2) Make alterations and improvements; 901

(3) Construct and maintain dikes, wharves, landings, 902
docks, dams, and other works; 903

(4) Construct and maintain roads and drives in, around, 904
upon, and to the lands and waters to make them conveniently 905
accessible and useful to the public. 906

Sec. 1546.04. (A) Except as provided in this section, the 907
chief of the division of parks and watercraft, with the approval 908
of the director of natural resources, shall adopt rules in 909
accordance with Chapter 119. of the Revised Code that are 910
necessary for the proper management of state parks, bodies of 911
water, and the lands adjacent to them under its jurisdiction and 912
control, including rules: 913

(1) Governing opening and closing times and dates of state 914
parks; 915

(2) Establishing fees and charges for use of facilities in 916
state parks; 917

(3) Governing camps, camping, and fees for camps and 918
camping; 919

(4) Governing the application for and rental of, rental fees for, and the use of cottages;	920 921
(5) Relating to public use of state park lands, and governing the operation of motor vehicles, including speeds and parking on those lands;	922 923 924
(6) Governing all advertising within state parks and requirements for the operation of places selling tangible personal property and food service sales on lands and waters under the control of the division. The rules shall establish uniform requirements for those operations and sales.	925 926 927 928 929
(7) Providing uniform standards relating to the size, type, location, construction, and maintenance of structures and devices used for fishing or moorage of watercraft, rowboats, sailboats, and powercraft over waters under the control of the division and establishing reasonable fees for the construction of, and annual use permits for, those structures and devices;	930 931 932 933 934 935
(8) Governing state beaches, swimming, inflatable devices, and fees for them;	936 937
(9) Governing the removal and disposition of any watercraft, rowboat, sailboat, or powercraft left unattended for more than seven days on any lands or waters under the control of the division;	938 939 940 941
(10) Governing the establishment and collection of check collection charges for checks that are returned to the division or dishonored for any reason;	942 943 944
(11) Governing natural resources officers in all parks and bodies of water and lands adjacent to those bodies under the supervision and control of the division as are necessary to the proper management of such parks and bodies of water.	945 946 947 948

(B) The chief shall adopt rules in accordance with Chapter 949
119. of the Revised Code establishing a discount program for all 950
persons who are issued a golden buckeye card under section 951
173.06 of the Revised Code. The discount program shall provide a 952
discount for all park services and rentals, but shall not 953
provide a discount for the purchase of merchandise. 954

(C) The chief, with the approval of the director of 955
natural resources, may adopt rules in accordance with Chapter 956
119. of the Revised Code that establish all of the following: 957

(1) Requirements governing the administration of state 958
parks; 959

(2) Requirements considered necessary by the chief to 960
supplement the identification, operation, titling, use, 961
registration, and numbering of watercraft or vessels as provided 962
in Chapters 1547. and 1548. of the Revised Code; 963

(3) Requirements governing the navigation of vessels on 964
waters in this state, including rules regarding steering and 965
sailing, the conduct of vessels in sight of one another or in 966
restricted visibility, lights and shapes of lights used on 967
vessels, and sound and light signals. As the chief considers 968
necessary, the chief shall ensure that those rules are 969
consistent with and equivalent to the regulations and 970
interpretive rulings governing inland waters adopted or issued 971
under the "Inland Navigational Rules Act of 1980," 94 Stat. 972
3415, 33 U.S.C. 151, 1604, 1605, 1608, 2001 to 2008, and 2071 to 973
2073. 974

~~(4) Requirements governing the use, visitation, 975
protection, and administration of wild, scenic, and recreational 976
river areas; 977~~

(5) Requirements and procedures governing vessel safety inspection checkpoints, including procedures that comply with statutory and constitutional provisions governing searches and seizures by law enforcement officers;	978 979 980 981
(6) <u>(5)</u> Fees and charges for all of the following:	982
(a) Boating skill development classes and other educational classes;	983 984
(b) Law enforcement services provided at special events when the services are in addition to normal enforcement duties;	985 986
(c) Inspections of vessels or motors conducted under Chapter 1547. or Chapter 1548. of the Revised Code;	987 988
(d) The conducting of stream impact reviews of any planned or proposed construction, modification, renovation, or development project that may potentially impact a watercourse within a designated wild, scenic, or recreational river area.	989 990 991 992
(D) The chief shall not adopt rules under this section establishing fees or charges for parking a motor vehicle in a state park or for admission to a state park.	993 994 995
Sec. 1547.73. There is hereby created in the division of parks and watercraft a waterways safety council composed of five members appointed by the governor with the advice and consent of the senate. Not more than three of such appointees shall belong to the same political party. Terms of office shall be for five years, commencing on the first day of February and ending on the thirty-first day of January. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. The chief of the division of parks and watercraft shall act as secretary of the council. In the event of the death, removal, resignation, or incapacity of a member of	996 997 998 999 1000 1001 1002 1003 1004 1005 1006

the council, the governor, with the advice and consent of the 1007
senate, shall appoint a successor to fill the unexpired term who 1008
shall hold office for the remainder of the term for which the 1009
member's predecessor was appointed. Any member shall continue in 1010
office subsequent to the expiration date of the member's term 1011
until the member's successor takes office, or until a period of 1012
sixty days has elapsed, whichever occurs first. The governor may 1013
remove any appointed member of the council for misfeasance, 1014
nonfeasance, or malfeasance in office. 1015

The council may: 1016

(A) Advise with and recommend to the chief as to plans and 1017
programs for the construction, maintenance, repair, and 1018
operation of refuge harbors and other projects for the 1019
harboring, mooring, docking, and storing of light draft vessels 1020
as provided in sections 1547.71 and 1547.72 of the Revised Code; 1021

(B) Advise with and recommend to the chief as to the 1022
methods of coordinating the shore erosion projects of the 1023
department of natural resources with the refuge of light draft 1024
vessel harbor projects; 1025

~~(C) Advise with and recommend to the chief as to plans and 1026
programs for the acquisition, protection, construction, 1027
maintenance, and administration of wild river areas, scenic 1028
river areas, and recreational river areas; 1029~~

~~(D)~~ Consider and make recommendations upon any matter 1030
which is brought to its attention by any person or that the 1031
chief may submit to it; 1032

~~(E)~~ (D) Submit to the governor biennially recommendations 1033
for amendments to the laws of the state relative to refuge and 1034
light draft vessel harbor projects. 1035

Before entering upon the discharge of official duties, 1036
each member of the council shall take and subscribe to an oath 1037
of office, which oath, in writing, shall be filed in the office 1038
of the secretary of state. 1039

The members of the council shall serve without 1040
compensation, but shall be entitled to receive their actual and 1041
necessary expenses incurred in the performance of their official 1042
duties from the waterways safety fund as provided in section 1043
1547.75 of the Revised Code. 1044

The council shall, by a majority vote of all its members, 1045
adopt and amend bylaws. 1046

To be eligible for appointment as a member of the council, 1047
a person shall be a citizen of the United States and an elector 1048
of the state and possess a knowledge of and have an interest in 1049
small boat operations. 1050

The council shall hold at least four regular quarterly 1051
meetings each year. Special meetings shall be held at such times 1052
as the bylaws of the council provide, or at the behest of a 1053
majority of its members. Notices of all meetings shall be given 1054
in such manner as the bylaws provide. The council shall choose 1055
annually from among its members a chairperson to preside over 1056
its meetings. A majority of the members of the council shall 1057
constitute a quorum. No advice shall be given or recommendation 1058
made without a majority of the members of the council concurring 1059
therein. 1060

Sec. 1547.75. There is hereby created in the state 1061
treasury the waterways safety fund. The fund shall consist of 1062
money credited to it under this chapter and Chapters 1546. and 1063
1548. of the Revised Code. The fund shall be used for boating- 1064

related activities under those chapters and for purposes 1065
specified in section 1517.16 of the Revised Code. 1066

Sec. 3714.03. (A) As used in this section: 1067

(1) "Aquifer system" means one or more geologic units or 1068
formations that are wholly or partially saturated with water and 1069
are capable of storing, transmitting, and yielding significant 1070
amounts of water to wells or springs. 1071

(2) "Category 3 wetland" means a wetland that supports 1072
superior habitat or hydrological or recreational functions as 1073
determined by an appropriate wetland evaluation methodology 1074
acceptable to the director of environmental protection. 1075

"Category 3 wetland" includes a wetland with high levels of 1076
diversity, a high proportion of native species, and high 1077
functional values and includes, but is not limited to, a wetland 1078
that contains or provides habitat for threatened or endangered 1079
species. "Category 3 wetland" may include high quality forested 1080
wetlands, including old growth forested wetlands, mature 1081
forested riparian wetlands, vernal pools, bogs, fens, and 1082
wetlands that are scarce regionally. 1083

(3) "Natural area" means either of the following: 1084

(a) ~~An area~~ A watercourse designated by the director of 1085
natural resources as a wild, scenic, or recreational river under 1086
section ~~1547.81~~ 1517.14 of the Revised Code; 1087

(b) An area designated by the United States department of 1088
the interior as a national wild, scenic, or recreational river. 1089

(4) "Occupied dwelling" means a residential dwelling and 1090
also includes a place of worship as defined in section 5104.01 1091
of the Revised Code, a child care center as defined in that 1092
section, a hospital as defined in section 3727.01 of the Revised 1093

Code, a nursing home as defined in that section, a school, and a 1094
restaurant or other eating establishment. "Occupied dwelling" 1095
does not include a dwelling owned or controlled by the owner or 1096
operator of a construction and demolition debris facility to 1097
which the siting criteria established under this section are 1098
being applied. 1099

(5) "Residential dwelling" means a building used or 1100
intended to be used in whole or in part as a personal residence 1101
by the owner, part-time owner, or lessee of the building or any 1102
person authorized by the owner, part-time owner, or lessee to 1103
use the building as a personal residence. 1104

(B) Neither the director of environmental protection nor 1105
any board of health shall issue a permit to install under 1106
section 3714.051 of the Revised Code to establish a new 1107
construction and demolition debris facility when any portion of 1108
the facility is proposed to be located in either of the 1109
following locations: 1110

(1) Within the boundaries of a one-hundred-year flood 1111
plain, as those boundaries are shown on the applicable maps 1112
prepared under the "National Flood Insurance Act of 1968," 82 1113
Stat. 572, 42 U.S.C.A. 4001, as amended, unless the owner or 1114
operator has obtained an exemption from division (B)(1) of this 1115
section in accordance with section 3714.04 of the Revised Code. 1116
If no such maps have been prepared, the boundaries of a one- 1117
hundred-year flood plain shall be determined by the applicant 1118
for a permit based upon standard methodologies set forth in 1119
"urban hydrology for small watersheds" (soil conservation 1120
service technical release number 55) and section 4 of the 1121
"national engineering hydrology handbook" of the soil 1122
conservation service of the United States department of 1123

agriculture. 1124

(2) Within the boundaries of a sole source aquifer 1125
designated by the administrator of the United States 1126
environmental protection agency under the "Safe Drinking Water 1127
Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as amended. 1128

(C) Neither the director nor any board shall issue a 1129
permit to install under section 3714.051 of the Revised Code to 1130
establish a new construction and demolition debris facility when 1131
the horizontal limits of construction and demolition debris 1132
placement at the new facility are proposed to be located in any 1133
of the following locations: 1134

(1) Within one hundred feet of a perennial stream as 1135
defined by the United States geological survey seven and one- 1136
half minute quadrangle map or a category 3 wetland; 1137

(2) Within one hundred feet of the facility's property 1138
line; 1139

(3) (a) Except as provided in division (C) (3) (b) of this 1140
section, within five hundred feet of a residential or public 1141
water supply well. 1142

(b) Division (C) (3) (a) of this section does not apply to a 1143
residential well under any of the circumstances specified in 1144
divisions (C) (3) (b) (i) to (iii) of this section as follows: 1145

(i) The well is controlled by the owner or operator of the 1146
construction and demolition debris facility. 1147

(ii) The well is hydrologically separated from the 1148
horizontal limits of construction and demolition debris 1149
placement. 1150

(iii) The well is at least three hundred feet upgradient 1151

from the horizontal limits of construction and demolition debris 1152
placement and division (D) of this section does not prohibit the 1153
issuance of the permit to install. 1154

(4) Within five hundred feet of a park created or operated 1155
pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 1156
of the Revised Code, a state park established or dedicated under 1157
Chapter 1546. of the Revised Code, a state park purchase area 1158
established under section 1546.06 of the Revised Code, a 1159
national recreation area, any unit of the national park system, 1160
or any property that lies within the boundaries of a national 1161
park or recreation area, but that has not been acquired or is 1162
not administered by the secretary of the United States 1163
department of the interior, located in this state, or any area 1164
located in this state that is recommended by the secretary for 1165
study for potential inclusion in the national park system in 1166
accordance with "The Act of August 18, 1970," 84 Stat. 825, 16 1167
U.S.C.A. 1a-5, as amended; 1168

(5) Within five hundred feet of a natural area, any area 1169
established by the department of natural resources as a state 1170
wildlife area under Chapter 1531. of the Revised Code and rules 1171
adopted under it, any area that is formally dedicated as a 1172
nature preserve under section 1517.05 of the Revised Code, or 1173
any area designated by the United States department of the 1174
interior as a national wildlife refuge; 1175

(6) Within five hundred feet of a lake or reservoir of one 1176
acre or more that is hydrogeologically connected to ground 1177
water. For purposes of division (C)(6) of this section, a lake 1178
or reservoir does not include a body of water constructed and 1179
used for purposes of surface water drainage or sediment control. 1180

(7) Within five hundred feet of a state forest purchased 1181

or otherwise acquired under Chapter 1503. of the Revised Code; 1182

(8) Within five hundred feet of an occupied dwelling 1183
unless written permission is given by the owner of the dwelling. 1184

(D) Neither the director nor any board shall issue a 1185
permit to install under section 3714.051 of the Revised Code to 1186
establish a new construction and demolition debris facility when 1187
the limits of construction and demolition debris placement at 1188
the new facility are proposed to have an isolation distance of 1189
less than five feet from the uppermost aquifer system that 1190
consists of material that has a maximum hydraulic conductivity 1191
of 1×10^{-5} cm/sec and all of the geologic material comprising 1192
the isolation distance has a hydraulic conductivity equivalent 1193
to or less than 1×10^{-6} cm/sec. 1194

(E) Neither the director nor any board shall issue a 1195
permit to install under section 3714.051 of the Revised Code to 1196
establish a new construction and demolition debris facility when 1197
the road that is designated by the owner or operator as the main 1198
hauling road at the facility to and from the limits of 1199
construction and demolition debris placement is proposed to be 1200
located within five hundred feet of an occupied dwelling unless 1201
written permission is given by the owner of the occupied 1202
dwelling. 1203

(F) Neither the director nor any board shall issue a 1204
permit to install under section 3714.051 of the Revised Code to 1205
establish a new construction and demolition debris facility 1206
unless the new facility will have all of the following: 1207

(1) Access roads that shall be constructed in a manner 1208
that allows use in all weather conditions and will withstand the 1209
anticipated degree of use and minimize erosion and generation of 1210

dust; 1211

(2) Surface water drainage and sediment controls that are 1212
required by the director; 1213

(3) If the facility is proposed to be located in an area 1214
in which an applicable zoning resolution allows residential 1215
construction, vegetated earthen berms or an equivalent barrier 1216
with a minimum height of six feet separating the facility from 1217
adjoining property. 1218

(G) (1) The siting criteria established in this section 1219
shall be applied to an application for a permit to install at 1220
the time that the application is submitted to the director or a 1221
board of health, as applicable. Circumstances related to the 1222
siting criteria that change after the application is submitted 1223
shall not be considered in approving or disapproving the 1224
application. 1225

(2) The siting criteria established in this section by 1226
this amendment do not apply to an expansion of a construction 1227
and demolition debris facility that was in operation prior to 1228
December 22, 2005, onto property within the property boundaries 1229
identified in the application for the initial license for that 1230
facility or any subsequent license issued for that facility up 1231
to and including the license issued for that facility for 1232
calendar year 2005. The siting criteria established in this 1233
section prior to December 22, 2005, apply to such an expansion. 1234

Sec. 4501.24. There is hereby created in the state 1235
treasury the scenic rivers protection fund. The fund shall 1236
consist of the donations to the fund received by the department 1237
of natural resources under section 1517.02 of the Revised Code 1238
and the contributions not to exceed forty dollars that are paid 1239

to the registrar of motor vehicles by applicants who voluntarily 1240
choose to obtain scenic rivers license plates pursuant to 1241
section 4503.56 of the Revised Code. 1242

The donations and contributions deposited in the fund 1243
shall be used by the department to help finance ~~wild, scenic,~~ 1244
~~and recreational river areas~~ conservation, education, ~~corridor~~ 1245
protection, restoration, and habitat enhancement and clean-up 1246
projects along within the watersheds of wild, scenic, and 1247
recreational rivers in those areas. The chief of the division of 1248
~~parks and watercraft in the department~~ natural areas and 1249
preserves may expend money in the fund for the acquisition of 1250
~~wild, scenic, and recreational river areas~~ lands, for the 1251
maintenance, protection, and administration of ~~such areas~~ wild, 1252
scenic, and recreational rivers, and for the construction of 1253
facilities within ~~those areas~~ scenic river lands and any other 1254
publicly owned lands that are administered by the division and 1255
are within the watersheds of those rivers. All investment 1256
earnings of the fund shall be credited to the fund. 1257

As used in this section, "~~wild river areas~~," "scenic river 1258
lands," "~~scenic river areas~~," and "~~recreational river areas~~" 1259
have the same meanings as in section ~~1546.01~~ 1517.01 of the 1260
Revised Code. 1261

Section 2. That existing sections 505.82, 1514.10, 1262
1517.01, 1517.02, 1517.021, 1517.11, 1531.04, 1546.01, 1546.02, 1263
1546.04, 1547.73, 1547.75, 1547.81, 1547.82, 1547.83, 1547.84, 1264
1547.85, 1547.86, 3714.03, and 4501.24 of the Revised Code are 1265
hereby repealed. 1266