

As Passed by the Senate

135th General Assembly

Regular Session

2023-2024

Sub. S. B. No. 156

Senators Reineke, Hackett

Cosponsors: Senators Antonio, Brenner, Cirino, Craig, DeMora, Gavarone, Hicks-Hudson, Ingram, Johnson, Landis, Lang, Manning, Rulli, Schuring, Smith, Wilkin, Wilson

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 Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 1274, as amended;

(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 designated as a wild, scenic, or recreational river or component;

(2) During periods other than periods of low flow, as determined by rules adopted under section 1514.08 of the Revised Code;

(3) During critical fish or mussel spawning seasons as determined by the chief of the division of wildlife under Chapter 1531. of the Revised Code and rules adopted under it;

(4) In an area known to possess critical spawning habitat for a species of fish or mussel that is on the federal endangered species list established in accordance with the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531-1543, as amended, or the state endangered species list established in rules adopted under section 1531.25 of the Revised Code.

Division (G) of this section does not apply to the activities described in divisions (M) (1) and (2) of section 1514.01 of the Revised Code.

Sec. 1517.01. As used in ~~Chapter 1517. of the Revised Code~~ this chapter:

(A) "Natural area" means an area of land or water which either retains to some degree or has re-established its natural character, although it need not be completely undisturbed, or has unusual flora, fauna, geological, archeological, scenic, or similar features of scientific or educational interest.

(B) "Nature preserve" means an area which is formally

dedicated under section 1517.05 of the Revised Code. 194

(C) "Recreational river" means a watercourse declared a recreational river by the director of natural resources under section 1517.14 of the Revised Code and includes those watercourses or sections of watercourses 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. 195
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(D) "Scenic river" means a watercourse or a section of watercourse declared a scenic river by the director under section 1517.14 of the Revised Code to which both of the following apply: 202
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(1) It is free of impoundments constructed by humans for at least seventy-five per cent of the length of the watercourse or section of the watercourse or it is combined with another section of a watercourse that has been designated a wild river. 206
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(2) It has shorelines or watersheds that are largely primitive and undeveloped, but accessible in places by roads. 210
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(E) "Scenic river lands" means any area of land or water within a wild, scenic, or recreational river watershed that is owned by the department of natural resources and administered by the division of natural areas and preserves for the purpose of protecting the natural character and water quality of a wild, scenic, or recreational river. 212
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(F) "Watercourse" means a substantially natural channel that is at least five miles in length with recognized banks and a bottom in which the flow of water occurs. 218
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(G) "Wild river" means a watercourse declared a wild river by the director under section 1517.14 of the Revised Code and 221
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includes those watercourses or sections of watercourses that are 223
free of impoundments constructed by humans and generally 224
inaccessible except by trail, with watersheds or shorelines 225
essentially primitive and waters unpolluted, representing 226
vestiges of primitive America. 227

Sec. 1517.02. (A) There is hereby created in the 228
department of natural resources the division of natural areas 229
and preserves, which shall be administered by the chief of the 230
division of natural areas and preserves. The chief shall take an 231
oath of office and shall file in the office of the secretary of 232
state a bond signed by the chief and by a surety approved by the 233
governor for a sum fixed pursuant to section 121.11 of the 234
Revised Code. 235

(B) The chief shall administer a system of nature 236
preserves. The chief shall establish a system of nature 237
preserves through acquisition and dedication of natural areas of 238
state or national significance, which shall include, but not be 239
limited to, areas that represent characteristic examples of 240
Ohio's natural landscape types and its natural vegetation and 241
geological history. The chief shall encourage landowners to 242
dedicate areas of unusual significance as nature preserves, and 243
shall establish and maintain a registry of natural areas of 244
unusual significance. 245

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

watershed planning activities with other states, <u>local or</u>	253
federal agencies, <u>or other state agencies.</u>	254
<u>(D) The chief shall do the following:</u>	255
(A) <u>(1) Formulate policies and plans for the acquisition,</u>	256
use, management, and protection of nature preserves;	257
(B) <u>(2) Formulate policies for the selection of <u>natural</u></u>	258
<u>areas of unusual significance suitable for registration;</u>	259
(C) <u>(3) Formulate policies for the dedication of areas as</u>	260
nature preserves;	261
(D) <u>(4) Formulate policies for the declaration of wild,</u>	262
<u>scenic, and recreational rivers;</u>	263
<u>(5) Prepare and maintain surveys and inventories of <u>wild,</u></u>	264
<u>scenic, and recreational rivers and natural areas, and assist</u>	265
<u>the division of wildlife in preparing and maintaining surveys</u>	266
<u>and inventories of rare and endangered species of plants and</u>	267
animals, and other unique natural features. The information	268
shall be entered in the Ohio natural heritage database,	269
established under section 1531.04 of the Revised Code.	270
(E) <u>(6) Adopt rules for the in accordance with Chapter</u>	271
<u>119. of the Revised Code establishing all of the following:</u>	272
<u>(a) Requirements governing the use, visitation, and</u>	273
protection of nature preserves and natural areas owned or	274
managed through easement, license, or lease by the department	275
and administered by the division in accordance with Chapter 119.	276
of the Revised Code;	277
(F) <u>(b) Requirements governing the use, visitation, and</u>	278
<u>protection of scenic river lands and of publicly owned lands</u>	279
<u>that are administered by the division that are within the</u>	280

<u>watersheds of wild, scenic, and recreational rivers;</u>	281
<u>(c) Fees and charges for conducting stream impact reviews</u>	282
<u>of any planned or proposed construction, modification,</u>	283
<u>renovation, or development project that is subject to approval</u>	284
<u>under section 1517.15 of the Revised Code and may potentially</u>	285
<u>impact a designated wild, scenic, or recreational river. Such</u>	286
<u>fees and charges shall be credited to the natural areas and</u>	287
<u>preserves fund created in section 1517.11 of the Revised Code.</u>	288
<u>(7) Provide facilities and improvements within the state</u>	289
<u>system of nature preserves, wild, scenic, and recreational</u>	290
<u>ivers, scenic river lands, and publicly owned lands that are</u>	291
<u>administered by the division and are within the watersheds of</u>	292
<u>those rivers</u> that are necessary for their visitation, use,	293
restoration, and protection and do not impair their natural	294
character;	295
(G) <u>(8) Provide interpretive programs and publish and</u>	296
<u>disseminate information pertaining to nature preserves and</u>	297
<u>natural areas, scenic river lands, and publicly owned lands that</u>	298
<u>are administered by the division and are within the watersheds</u>	299
<u>of wild, scenic, and recreational rivers</u> for their visitation	300
and use;	301
(H) <u>(9) Conduct and grant permits to qualified persons for</u>	302
<u>the conduct of scientific research and investigations within</u>	303
<u>nature preserves, wild, scenic, and recreational rivers, scenic</u>	304
<u>river lands, and publicly owned lands that are administered by</u>	305
<u>the division and are within the watersheds of those rivers;</u>	306
(I) <u>(10) Establish an appropriate system for marking</u>	307
<u>nature preserves, wild, scenic, and recreational rivers, scenic</u>	308
<u>river lands, and publicly owned lands that are administered by</u>	309

<u>the division and are within the watersheds of those rivers;</u>	310
<u>(J) (11) Provide wild, scenic, and recreational river conservation education;</u>	311
<u>(12) Provide for protection, restoration, habitat enhancement, and clean-up projects in wild, scenic, and recreational rivers, scenic river lands, and publicly owned lands that are administered by the division and are within the watersheds of those rivers;</u>	312
<u>(12) Provide for protection, restoration, habitat enhancement, and clean-up projects in wild, scenic, and recreational rivers, scenic river lands, and publicly owned lands that are administered by the division and are within the watersheds of those rivers;</u>	313
<u>(12) Provide for protection, restoration, habitat enhancement, and clean-up projects in wild, scenic, and recreational rivers, scenic river lands, and publicly owned lands that are administered by the division and are within the watersheds of those rivers;</u>	314
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<u>(12) Provide for protection, restoration, habitat enhancement, and clean-up projects in wild, scenic, and recreational rivers, scenic river lands, and publicly owned lands that are administered by the division and are within the watersheds of those rivers;</u>	317
<u>(13) Publish and submit to the governor and the general assembly a biennial report of the;</u>	318
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<u>(a) The status and condition of each nature preserve, activities conducted within each preserve, and plans and recommendations for natural area preservation;</u>	320
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<u>(b) The status and condition of each wild, scenic, and recreational river and activities conducted within each river corridor.</u>	323
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<u>(E) The chief, in carrying out sections 1517.14 to 1517.19 of the Revised Code, may accept, receive, and expend donations, gifts, devises, or bequests of money, lands, or other properties as authorized under section 9.20 of the Revised Code. If the donations, gifts, devises, and bequests are monetary in nature, the money shall be credited to the scenic rivers protection fund created in section 4501.24 of the Revised Code.</u>	326
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Sec. 1517.021. No person shall violate any rule adopted pursuant to division (E) <u>(D) (6)</u> of section 1517.02 of the Revised Code.	333
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Sec. 1517.021. No person shall violate any rule adopted pursuant to division (E) <u>(D) (6)</u> of section 1517.02 of the Revised Code.	335
Sec. 1517.11. There is hereby created in the state treasury the natural areas and preserves fund, which shall	336
Sec. 1517.11. There is hereby created in the state treasury the natural areas and preserves fund, which shall	337

consist of moneys transferred into it under section 5747.113 of 338
the Revised Code and of contributions made directly to it. Any 339
person may contribute directly to the fund in addition to or 340
independently of the income tax refund contribution system 341
established in that section. 342

Moneys in the fund shall be disbursed pursuant to vouchers 343
approved by the director of natural resources for use by the 344
division of natural areas and preserves solely for the following 345
purposes: 346

(A) The acquisition of new or expanded natural areas and 347
nature preserves and scenic river lands; 348

(B) Facility development in natural areas and nature 349
preserves and scenic river lands; 350

(C) Special projects, including, but not limited to, 351
biological inventories, research grants, and the production of 352
interpretive material related to natural areas and nature 353
preserves and scenic river lands; 354

(D) Routine maintenance for health and safety purposes. 355

Money in the fund also may be used for the purposes of 356
administering a system of wild, scenic, and recreational rivers, 357
scenic river lands, and facilities or improvements associated 358
with such rivers and lands. 359

Moneys appropriated from the fund shall not be used to 360
fund salaries of permanent employees or administrative costs. 361

All investment earnings of the fund shall be credited to 362
the fund. 363

Sec. ~~1547.81~~ 1517.14. (A) The director of natural 364
resources ~~or the director's representative~~ may create 7 wild, 365

scenic, and recreational rivers. The chief of the division of 366
natural areas and preserves shall supervise, operate, protect, 367
and maintain wild, scenic, and recreational ~~river areas~~rivers so 368
created. In creating wild, scenic, and recreational ~~river-~~ 369
~~areas~~rivers, the director shall classify each such ~~area-~~ 370
watercourse as either a wild river-~~area~~, a scenic river-~~area~~, or 371
a recreational river-~~area~~. The ~~director or the director's-~~ 372
~~representative~~chief may prepare and maintain a plan for the 373
establishment, development, use, and administration of those 374
~~areas~~rivers as a part of the comprehensive state plans for 375
water management and outdoor recreation. The ~~director or the-~~ 376
~~director's representative~~chief, with the approval of the 377
director, may cooperate with federal agencies administering any 378
federal program concerning wild, scenic, or recreational river 379
~~areassystems.~~ 380

(B) The director may propose ~~for establishment as to~~ 381
create a wild, scenic, or recreational river ~~area that consists~~ 382
of a part or parts of any watercourse in this state, ~~with-~~ 383
~~adjacent lands,~~ that in the director's judgment possesses water 384
conservation, scenic, fish, wildlife, historic, or outdoor 385
recreation values that should be preserved. ~~The area shall-~~ 386
~~include lands adjacent to the watercourse in sufficient width to-~~ 387
~~preserve, protect, and develop the natural character of the-~~ 388
~~watercourse, but shall not include any lands more than one-~~ 389
~~thousand feet from the normal waterlines of the watercourse-~~ 390
~~unless an additional width is necessary to preserve water-~~ 391
~~conservation, scenic, fish, wildlife, historic, or outdoor-~~ 392
~~recreation values.~~ 393

(C) (1) The director shall publish the intention to declare 394
~~an area a watercourse~~ a wild, scenic, or recreational river ~~area-~~ 395
at least once in a newspaper of general circulation in each 396

county, any part ~~of through which is within the area, and the~~ 397
watercourse flows. The director also shall send written notice 398
of the intention to the legislative authority of each county, 399
township, and municipal corporation and to each conservancy 400
district established under Chapter 6101. of the Revised Code, 401
any part ~~of through which is within the area~~ the watercourse 402
flows, and to the director of transportation, the director of 403
development, the director of administrative services, and the 404
director of environmental protection. The notices shall include 405
a copy of a map and description of the ~~area~~ watercourse to be 406
designated. 407

(2) The director of natural resources shall post the 408
intention to declare a watercourse a wild, scenic, or 409
recreational river on the division of natural areas and 410
preserves' web site on the date of the initial publication under 411
division (C) (1) of this section. 412

(3) Any person having an interest in the proposed 413
declaration may file written comments to the proposal within 414
sixty days of the last date of publication or dispatch of 415
written notice as required under division (C) (1) of this 416
section. The director shall post on the division's web site the 417
last date by which written comments may be filed. 418

(4) After ~~thirty-sixty~~ days from the last date of 419
publication or dispatch of written notice as required ~~in~~ under 420
division (C) (1) of this section, the director shall ~~may~~ enter a 421
declaration in the director's journal that the ~~area~~ watercourse 422
is a wild river ~~area~~, scenic river ~~area~~, or recreational river 423
~~area~~. When so entered, the ~~area~~ watercourse is a wild, scenic, 424
or recreational river ~~area~~, as applicable. The director, after 425
~~thirty-sixty~~ days' notice as prescribed in this section, may 426

terminate the status of ~~an area~~ a watercourse as a wild river 427
~~area~~, scenic river ~~area~~, or recreational river ~~area~~ by an entry 428
in the director's journal. 429

(D) Declaration by the director that an area is of a 430
watercourse as a wild, scenic, or recreational river area does 431
not ~~authorize~~ do either of the following: 432

(1) Affect private property rights or authorize the 433
director, chief of the division of natural areas and preserves, 434
or any governmental agency or political subdivision to restrict 435
the use of private land by the owner thereof or any person 436
~~acting under the landowner's authority adjacent to the river or~~ 437
to enter upon ~~the private land and does not expand;~~ 438

(2) Expand or abridge the regulatory authority of any 439
governmental agency or political subdivision over the ~~area~~ river. 440

(E) The director may enter into a lease or other agreement 441
~~with a political subdivision to administer all or part of a~~ 442
~~wild, scenic, or recreational river area and may acquire real~~ 443
property or any estate, right, or interest therein in order to 444
provide for the protection and public recreational use of a 445
wild, scenic, or recreational river ~~area.~~ The director may enter 446
into a lease or other agreement with a political subdivision to 447
administer all or part of any publicly owned land that is 448
administered by the division and that is within the watershed of 449
a wild, scenic, or recreational river. 450

~~The chief of the division of parks and watercraft or the~~ 451
~~chief's representative may participate in watershed wide~~ 452
~~planning with federal, state, and local agencies in order to~~ 453
~~protect the values of wild, scenic, and recreational river~~ 454
~~areas.~~ 455

(F) A wild, scenic, or recreational river that was 456
declared as such by the director of natural resources under 457
Chapter 1547. of the Revised Code prior to the effective date of 458
this amendment retains its declaration as a wild, scenic, or 459
recreational river for purposes of sections 1517.14 to 1517.19 460
of the Revised Code on and after that date. 461

Sec. ~~1547.82~~ 1517.15. No state department, state agency, 462
or political subdivision shall build or enlarge any highway, 463
road, or structure or modify or cause the modification of the 464
channel of any watercourse within ~~a one thousand feet of a wild,~~ 465
scenic, or recreational river ~~area~~ outside the limits of a 466
municipal corporation without first having obtained approval of 467
the plans for the highway, road, or structure or channel 468
modification from the director of natural resources or the 469
director's representative. The state department, state agency, 470
or political subdivision, with the approval of the director or 471
the director's representative, may so build, enlarge, or modify 472
beyond one thousand feet on publicly owned land if necessary to 473
preserve water conservation, scenic, fish, wildlife, historic, 474
or outdoor recreation values. The court of common pleas having 475
jurisdiction, upon petition by the director, shall enjoin work 476
on any highway, road, or structure or channel modification for 477
which such approval has not been obtained. 478

Sec. ~~1547.83~~ 1517.16. (A) The chief of the division of 479
~~parks and watercraft shall administer the state programs for~~ 480
~~wild river areas, scenic river areas, and recreational river~~ 481
~~areas. The chief natural areas and preserves may accept and~~ 482
administer state and federal financial assistance for the 483
maintenance, protection, and administration of wild, scenic, and 484
recreational ~~river areas~~ rivers and scenic river lands and for 485
construction of facilities ~~within those areas~~ on publicly owned 486

lands that are administered by the division and are within the 487
watersheds of those rivers. The 488

The chief, with the approval of the director of natural 489
resources, may expend for the purpose of administering the state 490
programs for wild, scenic, and recreational ~~river areas~~ rivers 491
money that is ~~appropriated~~. 492

(1) Appropriated by the general assembly for that purpose, 493
~~money that is in;~~ 494

(2) In the scenic rivers protection fund created in 495
section 4501.24 of the Revised Code, ~~and money that is in;~~ 496

(3) In the natural areas and preserves fund created in 497
section 1517.11 of the Revised Code; 498

(4) In the waterways safety fund created in section 499
1547.75 of the Revised Code, including money generated by the 500
waterways conservation assessment fee levied by sections 1547.54 501
and 1547.542 of the Revised Code, as determined to be necessary 502
by the division of parks and watercraft and the division of 503
natural areas and preserves not to exceed six hundred fifty 504
thousand dollars per fiscal year. ~~The chief may condition any~~ 505
~~expenditures, maintenance activities, or construction of~~ 506
~~facilities on the adoption and enforcement of adequate~~ 507
~~floodplain zoning or land use rules.~~ 508

(B) Any instrument by which real property is acquired 509
pursuant to this section shall identify the agency of the state 510
that has the use and benefit of the real property as specified 511
in section 5301.012 of the Revised Code. 512

~~The chief may cooperate with federal agencies~~ 513
~~administering any federal program concerning wild, scenic, or~~ 514
~~recreational river areas.~~ 515

(C) Notwithstanding any provision of this section to the 516
contrary, any expenditures made pursuant to this section shall 517
be made only on lands, or portions thereof, owned by the 518
department of natural resources and administered by the division 519
of natural areas and preserves or on other lands when agreed to, 520
in writing, by the owner of the lands within the watershed of 521
the wild, scenic, or recreational river, or portion thereof. 522

Sec. ~~1547.84~~ 1517.17. The chief of the division of natural 523
areas and preserves, with the approval of the director of 524
natural resources, shall appoint an advisory council for each 525
wild, scenic, or recreational river ~~area~~. Each advisory council 526
shall be composed of not more than ten persons who are 527
representative of local government and local organizations and 528
interests in the ~~vicinity of the~~ wild, scenic, or recreational 529
river ~~area, who~~ watershed. Each person shall serve without 530
compensation. ~~The chief of the division of watercraft or the~~ 531
chief's representative shall serve as an ex officio member of 532
each council. 533

The initial members appointed to each council shall serve 534
for terms of not more than three years, with the terms of not 535
more than four members of any council ending in the same year. 536
Thereafter, terms of office shall be for three years commencing 537
on the first day of February and ending on the last day of 538
January. 539

Each council shall advise the chief on the acquisition of 540
land and easements and on the lands and waters that should be 541
~~included~~ protected in a wild, scenic, or recreational river ~~area~~ 542
watershed or a proposed wild, scenic, or recreational river 543
~~area~~ watershed, facilities therein, and other aspects of 544
establishment and administration of the ~~area~~ wild, scenic, or 545

recreational river that may affect the local interest. 546

An advisory council for a wild, scenic, or recreational river that was created by the director under Chapter 1547. of the Revised Code prior to the effective date of this amendment continues to be the advisory council for the applicable wild, scenic, or recreational river for purposes of sections 1517.14 to 1517.19 of the Revised Code on and after that date. 547
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Sec. ~~1547.85~~ 1517.18. The chief of the division of natural areas and preserves, with the approval of the director of natural resources, may participate in the federal program for the protection of certain selected rivers that are located within the boundaries of the state as provided in the "Wild and Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 1271 et seq., as amended. The director may authorize the chief ~~of the division of parks and watercraft~~ to participate in any other federal program established for the purpose of protecting, conserving, or developing recreational access to waters in this state that possess outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. 553
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Sec. ~~1547.86~~ 1517.19. Any action taken by the chief of the division of ~~parks and watercraft~~ natural areas and preserves under sections ~~1547.81 to 1547.86~~ 1517.14 to 1517.19 of the Revised Code shall not be deemed in conflict with certain powers and duties conferred on and delegated to federal agencies and to municipal corporations under Section 7 of Article XVIII, Ohio Constitution, or as provided by sections 721.04 to 721.11 of the Revised Code. 565
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Sec. 1531.04. The division of wildlife, at the direction of the chief of the division, shall do all of the following: 573
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(A) Plan, develop, and institute programs and policies	575
based on the best available information, including biological	576
information derived from professionally accepted practices in	577
wildlife and fisheries management, with the approval of the	578
director of natural resources;	579
(B) Have and take the general care, protection, and	580
supervision of the wildlife in the state parks known as Lake St.	581
Marys, The Portage Lakes, Lake Loramie, Indian Lake, Buckeye	582
Lake, Guilford Lake, such part of Pymatuning reservoir as lies	583
in this state, and all other state parks and lands owned by the	584
state or in which it is interested or may acquire or become	585
interested, except lands and lakes the care and supervision of	586
which are vested in some other officer, body, board,	587
association, or organization;	588
(C) Enforce by proper legal action or proceeding the laws	589
of the state and division rules for the protection,	590
preservation, propagation, and management of wild animals and	591
sanctuaries and refuges for the propagation of those wild	592
animals, and adopt and carry into effect such measures as it	593
considers necessary in the performance of its duties;	594
(D) Promote, educate, and inform the citizens of the state	595
about conservation and the values of fishing, hunting, and	596
trapping, with the approval of the director;	597
(E) Prepare and maintain surveys and inventories of rare	598
and endangered species of plants and animals and other unique	599
natural features. The information shall be stored in the Ohio	600
natural heritage database, established pursuant to this	601
division, and may be made available to any individual or private	602
or public agency for research, educational, environmental, land	603
management, or other similar purposes that are not detrimental	604

to the conservation of a species or feature. The database shall 605
include information submitted under section 1517.02 of the 606
Revised Code. Information regarding sensitive site locations of 607
species that are listed pursuant to section 1518.01 of the 608
Revised Code and of unique natural features that are included in 609
the Ohio natural heritage database is not subject to section 610
149.43 of the Revised Code if the chief determines that the 611
release of the information could be detrimental to the 612
conservation of a species or unique natural feature. 613

Sec. 1546.01. As used in this chapter and Chapter 1547. of 614
the Revised Code: 615

"Canoe" means a paddlecraft that is normally an open, 616
narrow vessel of shallow draft, typically pointed at both ends 617
and propelled by its occupants through the use of paddles while 618
kneeling or sitting on a raised seat, including a flat-backed 619
canoe and a racing canoe. 620

"Coast guard approved" means bearing an approval number 621
assigned by the United States coast guard. 622

"Conditional approval" means a personal flotation device 623
approval that has one or more conditions with which the user 624
must comply in order for the device to be considered appropriate 625
for meeting the requirements for personal flotation devices for 626
the vessel on which it is being used. 627

"Diver's flag" means a red flag not less than one foot 628
square having a diagonal white stripe extending from the 629
masthead to the opposite lower corner that when displayed 630
indicates that divers are in the water. 631

"Drug of abuse" has the same meaning as in section 4506.01 632
of the Revised Code. 633

"Electronic" includes electrical, digital, magnetic, 634
optical, electromagnetic, or any other form of technology that 635
entails capabilities similar to these technologies. 636

"Electronic record" means a record generated, 637
communicated, received, or stored by electronic means for use in 638
an information system or for transmission from one information 639
system to another. 640

"Electronic signature" means a signature in electronic 641
form attached to or logically associated with an electronic 642
record. 643

"Idle speed" means the slowest possible speed needed to 644
maintain steerage or maneuverability. 645

"Impoundment" means the reservoir created by a dam or 646
other artificial barrier across a watercourse that causes water 647
to be stored deeper than and generally beyond the banks of the 648
natural channel of the watercourse during periods of normal 649
flow, but does not include water stored behind rock piles, rock 650
riffle dams, and low channel dams where the depth of water is 651
less than ten feet above the channel bottom and is essentially 652
confined within the banks of the natural channel during periods 653
of normal stream flow. 654

"Inflatable watercraft" means any vessel constructed of 655
rubber, canvas, or other material that is designed to be 656
inflated with any gaseous substance, constructed with two or 657
more air cells, and operated as a vessel. An inflatable 658
watercraft propelled by a motor is a powercraft. An inflatable 659
watercraft propelled by a sail is a sailboat. An inflatable 660
watercraft propelled by human muscular effort utilizing a paddle 661
or pole is a paddlecraft. An inflatable watercraft propelled by 662

human muscular effort utilizing an oar with the aid of a fulcrum 663
provided by oarlocks, tholepins, crutches, or similar 664
arrangements is a rowboat. 665

"In operation" in reference to a vessel means that the 666
vessel is being navigated or otherwise used on the waters in 667
this state. 668

"Kayak" means a paddlecraft that is typically pointed at 669
both ends and is propelled by human muscular effort by one or 670
more seated individuals who use a double-bladed paddle, 671
including an open kayak with an open deck for operator seating, 672
an enclosed kayak designed to enclose an occupant within a 673
cockpit, a tandem kayak designed for multiple occupants, and a 674
racing kayak. 675

"Law enforcement vessel" means any vessel used in law 676
enforcement or under the command of a law enforcement officer. 677

"Muffler" means an acoustical suppression device or system 678
that is designed and installed to abate the sound of exhaust 679
gases emitted from an internal combustion engine and that 680
prevents excessive or unusual noise. 681

"Navigable waters" means waters that come under the 682
jurisdiction of the department of the army of the United States 683
and any waterways within or adjacent to this state, except 684
inland lakes having neither a navigable inlet nor outlet. 685

"No wake" has the same meaning as "idle speed." 686

"Operator" includes any person who uses, navigates, 687
employs, or has under the person's control a vessel, or vessel 688
and detachable motor, on the waters in this state. 689

"Owner" includes any person, other than a secured party, 690

who claims lawful possession of a vessel by virtue of legal 691
title or equitable interest therein that entitled the person to 692
use or possess the vessel, including a person entitled to use or 693
possess a vessel subject to a security interest in another 694
person, but does not include a lessee under a lease not intended 695
as a security. 696

"Paddlecraft" means any type of canoe, kayak, paddleboard, 697
or other vessel powered only by its occupants using a single or 698
double-bladed paddle as a lever without the aid of a fulcrum 699
provided by oarlocks, tholepins, crutches, or similar 700
mechanisms. 701

"Performance type" means the in-water performance 702
classification of a personal flotation device as determined by 703
the United States coast guard. 704

"Person" includes any legal entity defined as a person in 705
section 1.59 of the Revised Code and any body politic, except 706
the United States and this state, and includes any agent, 707
trustee, executor, receiver, assignee, or other representative 708
thereof. 709

"Personal flotation device" means a United States coast 710
guard approved personal safety device designed to provide 711
buoyancy to support a person in the water. 712

"Personal watercraft" means a vessel, less than sixteen 713
feet in length, that is propelled by a water-jet pump or other 714
machinery and designed to be operated by an individual sitting, 715
standing, or kneeling on the vessel rather than by an individual 716
sitting or standing inside the vessel. 717

"Powercraft" means any vessel propelled by machinery, 718
fuel, rockets, or similar device. 719

~~"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.~~ 720
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"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. 726
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"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. 733
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"Sailboat" means any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation. 736
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A vessel with sail as its primary method of propulsion and mechanical propulsion as its secondary method of propulsion is an auxiliary sail. 739
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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. 742
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~~"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 shorelines or watersheds still largely primitive and shorelines~~ 745
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~~largely undeveloped, but accessible in places by roads.~~ 749

"Sewage" means human body wastes and the wastes from 750
toilets and other receptacles intended to receive or retain body 751
waste. 752

"Throwable personal flotation device" means a device that 753
is intended to be thrown to a person in the water. "Throwable 754
personal flotation device" includes a personal flotation device 755
marked as "Type IV" or "Type V with Type IV performance." 756
"Throwable personal flotation device" does not include a 757
wearable personal flotation device unless it is specifically 758
marked otherwise. 759

"Towed watersport" means any activity that involves being 760
towed by or riding in the wake of a recreational vessel, 761
including both of the following: 762

(1) Riding or attempting to ride on one or more water 763
skis, a wakeboard, a surfboard, an inflatable device, or any 764
other device manufactured or used for the purpose of being towed 765
by a recreational vessel; 766

(2) Engaging or attempting to engage in barefoot skiing or 767
parasailing. 768

"Type one personal flotation device" means a device that 769
is designed to turn an unconscious person floating in water from 770
a face downward position to a vertical or slightly face upward 771
position and that has at least nine kilograms, approximately 772
twenty pounds, of buoyancy. 773

"Type two personal flotation device" means a device that 774
is designed to turn an unconscious person in the water from a 775
face downward position to a vertical or slightly face upward 776
position and that has at least seven kilograms, approximately 777

fifteen and four-tenths pounds, of buoyancy. 778

"Type three personal flotation device" means a device that 779
is designed to keep a conscious person in a vertical or slightly 780
face upward position and that has at least seven kilograms, 781
approximately fifteen and four-tenths pounds, of buoyancy. 782

"Type four personal flotation device" means a device that 783
is designed to be thrown to a person in the water and not worn 784
and that has at least seven and five-tenths kilograms, 785
approximately sixteen and five-tenths pounds, of buoyancy. 786

"Type five personal flotation device" means a device that, 787
unlike other personal flotation devices, has limitations on its 788
approval by the United States coast guard, including, without 789
limitation, any of the following: 790

(1) A designation that states the device is approved only 791
for use while participating in specific activities; 792

(2) A designation that states the device is approved only 793
for use by an operator or passenger of specific types of 794
vessels; 795

(3) A designation that states the device is specifically 796
approved as a substitute for the type of personal flotation 797
device required for use while engaged in certain activities or 798
as an operator or passenger of a vessel. 799

"Vessel" includes every description of craft, including 800
nondisplacement craft, multimodal craft, and submersibles, being 801
used or capable of being used as a means of transportation on 802
water. 803

"Visible" means visible on a dark night with clear 804
atmosphere. 805

"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.

"Watercraft" means any of the following when used or
capable of being used for transportation on the water:

(1) A vessel operated by machinery either permanently or
temporarily affixed;

(2) A sailboat other than a sailboard;

(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;

(4) A canoe, kayak, pedalboat, or rowboat;

(5) Any of the following multimodal craft being operated
on waters in this state:

(a) An amphibious vehicle;

(b) A submersible;

(c) An airboat or hovercraft.

(6) A vessel that has been issued a certificate of
documentation with a recreational endorsement under 46 C.F.R.
67.

"Watercraft" does not include ferries as referred to in
Chapter 4583. of the Revised Code.

Watercraft subject to section 1547.54 of the Revised Code
are divided into five classes as follows:

Class A: Less than sixteen feet in length;

Class 1: At least sixteen feet, but less than twenty-six feet in length;	832
	833
Class 2: At least twenty-six feet, but less than forty feet in length;	834
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Class 3: At least forty feet, but less than sixty-five feet in length;	836
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Class 4: At least sixty-five feet in length.	838
"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.	839
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"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.	847
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"Wearable personal flotation device" means a device that is intended to be worn or otherwise attached to a person's body.	852
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"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."	854
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"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	858
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~~impoundments and generally inaccessible except by trail, with-~~ 861
~~watersheds or shorelines essentially primitive and waters-~~ 862
~~unpolluted, representing vestiges of primitive America.~~ 863

Sec. 1546.02. (A) There is hereby created in the 864
department of natural resources the division of parks and 865
watercraft. The division shall do all of the following: 866

(1) Administer and enforce all laws relative to the 867
identification, numbering, registration, titling, use, and 868
operation of vessels operated on the waters in this state; 869

(2) Promote, and educate and inform the citizens of the 870
state about, conservation, navigation, safety practices, and the 871
benefits of recreational boating; 872

(3) Provide for and assist in the development, 873
maintenance, and operation of marine recreational facilities, 874
docks, launching facilities, and harbors for the benefit of 875
public navigation, recreation, or commerce if the chief of the 876
division determines that they are in the best interests of the 877
state; 878

~~(4) Provide wild, scenic, and recreational river area-~~ 879
~~conservation education and provide for corridor protection,~~ 880
~~restoration, habitat enhancement, and clean-up projects in those-~~ 881
~~areas.~~ 882

~~(5)~~ Coordinate and plan trails in accordance with section 883
1519.03 of the Revised Code; 884

~~(6)~~ (5) Administer any state or federally funded grant 885
program that is related to natural resources and recreation as 886
considered necessary by the director of natural resources. 887

(B) The division shall create, supervise, operate, 888

protect, and maintain, and promote the use by the public of, a 889
system of state parks ~~and wild, scenic, and recreational river~~ 890
~~areas~~. As part of that responsibility, the division shall 891
control and manage all lands and waters dedicated and set apart 892
for state park purposes. The division shall do all of the 893
following regarding those lands and waters: 894

(1) Protect and maintain them; 895

(2) Make alterations and improvements; 896

(3) Construct and maintain dikes, wharves, landings, 897
docks, dams, and other works; 898

(4) Construct and maintain roads and drives in, around, 899
upon, and to the lands and waters to make them conveniently 900
accessible and useful to the public. 901

Sec. 1546.04. (A) Except as provided in this section, the 902
chief of the division of parks and watercraft, with the approval 903
of the director of natural resources, shall adopt rules in 904
accordance with Chapter 119. of the Revised Code that are 905
necessary for the proper management of state parks, bodies of 906
water, and the lands adjacent to them under its jurisdiction and 907
control, including rules: 908

(1) Governing opening and closing times and dates of state 909
parks; 910

(2) Establishing fees and charges for use of facilities in 911
state parks; 912

(3) Governing camps, camping, and fees for camps and 913
camping; 914

(4) Governing the application for and rental of, rental 915
fees for, and the use of cottages; 916

(5) Relating to public use of state park lands, and	917
governing the operation of motor vehicles, including speeds and	918
parking on those lands;	919
(6) Governing all advertising within state parks and	920
requirements for the operation of places selling tangible	921
personal property and food service sales on lands and waters	922
under the control of the division. The rules shall establish	923
uniform requirements for those operations and sales.	924
(7) Providing uniform standards relating to the size,	925
type, location, construction, and maintenance of structures and	926
devices used for fishing or moorage of watercraft, rowboats,	927
sailboats, and powercraft over waters under the control of the	928
division and establishing reasonable fees for the construction	929
of, and annual use permits for, those structures and devices;	930
(8) Governing state beaches, swimming, inflatable devices,	931
and fees for them;	932
(9) Governing the removal and disposition of any	933
watercraft, rowboat, sailboat, or powercraft left unattended for	934
more than seven days on any lands or waters under the control of	935
the division;	936
(10) Governing the establishment and collection of check	937
collection charges for checks that are returned to the division	938
or dishonored for any reason;	939
(11) Governing natural resources officers in all parks and	940
bodies of water and lands adjacent to those bodies under the	941
supervision and control of the division as are necessary to the	942
proper management of such parks and bodies of water.	943
(B) The chief shall adopt rules in accordance with Chapter	944
119. of the Revised Code establishing a discount program for all	945

persons who are issued a golden buckeye card under section 946
173.06 of the Revised Code. The discount program shall provide a 947
discount for all park services and rentals, but shall not 948
provide a discount for the purchase of merchandise. 949

(C) The chief, with the approval of the director of 950
natural resources, may adopt rules in accordance with Chapter 951
119. of the Revised Code that establish all of the following: 952

(1) Requirements governing the administration of state 953
parks; 954

(2) Requirements considered necessary by the chief to 955
supplement the identification, operation, titling, use, 956
registration, and numbering of watercraft or vessels as provided 957
in Chapters 1547. and 1548. of the Revised Code; 958

(3) Requirements governing the navigation of vessels on 959
waters in this state, including rules regarding steering and 960
sailing, the conduct of vessels in sight of one another or in 961
restricted visibility, lights and shapes of lights used on 962
vessels, and sound and light signals. As the chief considers 963
necessary, the chief shall ensure that those rules are 964
consistent with and equivalent to the regulations and 965
interpretive rulings governing inland waters adopted or issued 966
under the "Inland Navigational Rules Act of 1980," 94 Stat. 967
3415, 33 U.S.C. 151, 1604, 1605, 1608, 2001 to 2008, and 2071 to 968
2073. 969

~~(4) Requirements governing the use, visitation, 970
protection, and administration of wild, scenic, and recreational 971
river areas; 972~~

~~(5) Requirements and procedures governing vessel safety 973
inspection checkpoints, including procedures that comply with 974~~

statutory and constitutional provisions governing searches and seizures by law enforcement officers;	975 976
(6) <u>(5)</u> Fees and charges for all of the following:	977
(a) Boating skill development classes and other educational classes;	978 979
(b) Law enforcement services provided at special events when the services are in addition to normal enforcement duties;	980 981
(c) Inspections of vessels or motors conducted under Chapter 1547. or Chapter 1548. of the Revised Code;	982 983
(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.	984 985 986 987
(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.	988 989 990
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 the council, the governor, with the advice and consent of the senate, shall appoint a successor to fill the unexpired term who	991 992 993 994 995 996 997 998 999 1000 1001 1002 1003

shall hold office for the remainder of the term for which the 1004
member's predecessor was appointed. Any member shall continue in 1005
office subsequent to the expiration date of the member's term 1006
until the member's successor takes office, or until a period of 1007
sixty days has elapsed, whichever occurs first. The governor may 1008
remove any appointed member of the council for misfeasance, 1009
nonfeasance, or malfeasance in office. 1010

The council may: 1011

(A) Advise with and recommend to the chief as to plans and 1012
programs for the construction, maintenance, repair, and 1013
operation of refuge harbors and other projects for the 1014
harboring, mooring, docking, and storing of light draft vessels 1015
as provided in sections 1547.71 and 1547.72 of the Revised Code; 1016

(B) Advise with and recommend to the chief as to the 1017
methods of coordinating the shore erosion projects of the 1018
department of natural resources with the refuge of light draft 1019
vessel harbor projects; 1020

(C) ~~Advise with and recommend to the chief as to plans and~~ 1021
~~programs for the acquisition, protection, construction,~~ 1022
~~maintenance, and administration of wild river areas, scenic~~ 1023
~~river areas, and recreational river areas;~~ 1024

~~(D)~~ Consider and make recommendations upon any matter 1025
which is brought to its attention by any person or that the 1026
chief may submit to it; 1027

~~(E)~~ (D) Submit to the governor biennially recommendations 1028
for amendments to the laws of the state relative to refuge and 1029
light draft vessel harbor projects. 1030

Before entering upon the discharge of official duties, 1031
each member of the council shall take and subscribe to an oath 1032

of office, which oath, in writing, shall be filed in the office 1033
of the secretary of state. 1034

The members of the council shall serve without 1035
compensation, but shall be entitled to receive their actual and 1036
necessary expenses incurred in the performance of their official 1037
duties from the waterways safety fund as provided in section 1038
1547.75 of the Revised Code. 1039

The council shall, by a majority vote of all its members, 1040
adopt and amend bylaws. 1041

To be eligible for appointment as a member of the council, 1042
a person shall be a citizen of the United States and an elector 1043
of the state and possess a knowledge of and have an interest in 1044
small boat operations. 1045

The council shall hold at least four regular quarterly 1046
meetings each year. Special meetings shall be held at such times 1047
as the bylaws of the council provide, or at the behest of a 1048
majority of its members. Notices of all meetings shall be given 1049
in such manner as the bylaws provide. The council shall choose 1050
annually from among its members a chairperson to preside over 1051
its meetings. A majority of the members of the council shall 1052
constitute a quorum. No advice shall be given or recommendation 1053
made without a majority of the members of the council concurring 1054
therein. 1055

Sec. 1547.75. There is hereby created in the state 1056
treasury the waterways safety fund. The fund shall consist of 1057
money credited to it under this chapter and Chapters 1546. and 1058
1548. of the Revised Code. The fund shall be used for boating- 1059
related activities under those chapters and for purposes 1060
specified in section 1517.16 of the Revised Code. 1061

Sec. 3714.03. (A) As used in this section:	1062
(1) "Aquifer system" means one or more geologic units or formations that are wholly or partially saturated with water and are capable of storing, transmitting, and yielding significant amounts of water to wells or springs.	1063 1064 1065 1066
(2) "Category 3 wetland" means a wetland that supports superior habitat or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director of environmental protection. "Category 3 wetland" includes a wetland with high levels of diversity, a high proportion of native species, and high functional values and includes, but is not limited to, a wetland that contains or provides habitat for threatened or endangered species. "Category 3 wetland" may include high quality forested wetlands, including old growth forested wetlands, mature forested riparian wetlands, vernal pools, bogs, fens, and wetlands that are scarce regionally.	1067 1068 1069 1070 1071 1072 1073 1074 1075 1076 1077 1078
(3) "Natural area" means either of the following:	1079
(a) An area <u>A watercourse</u> designated by the director of natural resources as a wild, scenic, or recreational river under section 1547.81 <u>1517.14</u> of the Revised Code;	1080 1081 1082
(b) An area designated by the United States department of the interior as a national wild, scenic, or recreational river.	1083 1084
(4) "Occupied dwelling" means a residential dwelling and also includes a place of worship as defined in section 5104.01 of the Revised Code, a child care center as defined in that section, a hospital as defined in section 3727.01 of the Revised Code, a nursing home as defined in that section, a school, and a restaurant or other eating establishment. "Occupied dwelling"	1085 1086 1087 1088 1089 1090

does not include a dwelling owned or controlled by the owner or 1091
operator of a construction and demolition debris facility to 1092
which the siting criteria established under this section are 1093
being applied. 1094

(5) "Residential dwelling" means a building used or 1095
intended to be used in whole or in part as a personal residence 1096
by the owner, part-time owner, or lessee of the building or any 1097
person authorized by the owner, part-time owner, or lessee to 1098
use the building as a personal residence. 1099

(B) Neither the director of environmental protection nor 1100
any board of health shall issue a permit to install under 1101
section 3714.051 of the Revised Code to establish a new 1102
construction and demolition debris facility when any portion of 1103
the facility is proposed to be located in either of the 1104
following locations: 1105

(1) Within the boundaries of a one-hundred-year flood 1106
plain, as those boundaries are shown on the applicable maps 1107
prepared under the "National Flood Insurance Act of 1968," 82 1108
Stat. 572, 42 U.S.C.A. 4001, as amended, unless the owner or 1109
operator has obtained an exemption from division (B)(1) of this 1110
section in accordance with section 3714.04 of the Revised Code. 1111
If no such maps have been prepared, the boundaries of a one- 1112
hundred-year flood plain shall be determined by the applicant 1113
for a permit based upon standard methodologies set forth in 1114
"urban hydrology for small watersheds" (soil conservation 1115
service technical release number 55) and section 4 of the 1116
"national engineering hydrology handbook" of the soil 1117
conservation service of the United States department of 1118
agriculture. 1119

(2) Within the boundaries of a sole source aquifer 1120

designated by the administrator of the United States 1121
environmental protection agency under the "Safe Drinking Water 1122
Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as amended. 1123

(C) Neither the director nor any board shall issue a 1124
permit to install under section 3714.051 of the Revised Code to 1125
establish a new construction and demolition debris facility when 1126
the horizontal limits of construction and demolition debris 1127
placement at the new facility are proposed to be located in any 1128
of the following locations: 1129

(1) Within one hundred feet of a perennial stream as 1130
defined by the United States geological survey seven and one- 1131
half minute quadrangle map or a category 3 wetland; 1132

(2) Within one hundred feet of the facility's property 1133
line; 1134

(3) (a) Except as provided in division (C) (3) (b) of this 1135
section, within five hundred feet of a residential or public 1136
water supply well. 1137

(b) Division (C) (3) (a) of this section does not apply to a 1138
residential well under any of the circumstances specified in 1139
divisions (C) (3) (b) (i) to (iii) of this section as follows: 1140

(i) The well is controlled by the owner or operator of the 1141
construction and demolition debris facility. 1142

(ii) The well is hydrologically separated from the 1143
horizontal limits of construction and demolition debris 1144
placement. 1145

(iii) The well is at least three hundred feet upgradient 1146
from the horizontal limits of construction and demolition debris 1147
placement and division (D) of this section does not prohibit the 1148

issuance of the permit to install. 1149

(4) Within five hundred feet of a park created or operated 1150
pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 1151
of the Revised Code, a state park established or dedicated under 1152
Chapter 1546. of the Revised Code, a state park purchase area 1153
established under section 1546.06 of the Revised Code, a 1154
national recreation area, any unit of the national park system, 1155
or any property that lies within the boundaries of a national 1156
park or recreation area, but that has not been acquired or is 1157
not administered by the secretary of the United States 1158
department of the interior, located in this state, or any area 1159
located in this state that is recommended by the secretary for 1160
study for potential inclusion in the national park system in 1161
accordance with "The Act of August 18, 1970," 84 Stat. 825, 16 1162
U.S.C.A. 1a-5, as amended; 1163

(5) Within five hundred feet of a natural area, any area 1164
established by the department of natural resources as a state 1165
wildlife area under Chapter 1531. of the Revised Code and rules 1166
adopted under it, any area that is formally dedicated as a 1167
nature preserve under section 1517.05 of the Revised Code, or 1168
any area designated by the United States department of the 1169
interior as a national wildlife refuge; 1170

(6) Within five hundred feet of a lake or reservoir of one 1171
acre or more that is hydrogeologically connected to ground 1172
water. For purposes of division (C)(6) of this section, a lake 1173
or reservoir does not include a body of water constructed and 1174
used for purposes of surface water drainage or sediment control. 1175

(7) Within five hundred feet of a state forest purchased 1176
or otherwise acquired under Chapter 1503. of the Revised Code; 1177

(8) Within five hundred feet of an occupied dwelling 1178
unless written permission is given by the owner of the dwelling. 1179

(D) Neither the director nor any board shall issue a 1180
permit to install under section 3714.051 of the Revised Code to 1181
establish a new construction and demolition debris facility when 1182
the limits of construction and demolition debris placement at 1183
the new facility are proposed to have an isolation distance of 1184
less than five feet from the uppermost aquifer system that 1185
consists of material that has a maximum hydraulic conductivity 1186
of 1×10^{-5} cm/sec and all of the geologic material comprising 1187
the isolation distance has a hydraulic conductivity equivalent 1188
to or less than 1×10^{-6} cm/sec. 1189

(E) Neither the director nor any board shall issue a 1190
permit to install under section 3714.051 of the Revised Code to 1191
establish a new construction and demolition debris facility when 1192
the road that is designated by the owner or operator as the main 1193
hauling road at the facility to and from the limits of 1194
construction and demolition debris placement is proposed to be 1195
located within five hundred feet of an occupied dwelling unless 1196
written permission is given by the owner of the occupied 1197
dwelling. 1198

(F) Neither the director nor any board shall issue a 1199
permit to install under section 3714.051 of the Revised Code to 1200
establish a new construction and demolition debris facility 1201
unless the new facility will have all of the following: 1202

(1) Access roads that shall be constructed in a manner 1203
that allows use in all weather conditions and will withstand the 1204
anticipated degree of use and minimize erosion and generation of 1205
dust; 1206

(2) Surface water drainage and sediment controls that are 1207
required by the director; 1208

(3) If the facility is proposed to be located in an area 1209
in which an applicable zoning resolution allows residential 1210
construction, vegetated earthen berms or an equivalent barrier 1211
with a minimum height of six feet separating the facility from 1212
adjoining property. 1213

(G) (1) The siting criteria established in this section 1214
shall be applied to an application for a permit to install at 1215
the time that the application is submitted to the director or a 1216
board of health, as applicable. Circumstances related to the 1217
siting criteria that change after the application is submitted 1218
shall not be considered in approving or disapproving the 1219
application. 1220

(2) The siting criteria established in this section by 1221
this amendment do not apply to an expansion of a construction 1222
and demolition debris facility that was in operation prior to 1223
December 22, 2005, onto property within the property boundaries 1224
identified in the application for the initial license for that 1225
facility or any subsequent license issued for that facility up 1226
to and including the license issued for that facility for 1227
calendar year 2005. The siting criteria established in this 1228
section prior to December 22, 2005, apply to such an expansion. 1229

Sec. 4501.24. There is hereby created in the state 1230
treasury the scenic rivers protection fund. The fund shall 1231
consist of the donations to the fund received by the department 1232
of natural resources under section 1517.02 of the Revised Code 1233
and the contributions not to exceed forty dollars that are paid 1234
to the registrar of motor vehicles by applicants who voluntarily 1235
choose to obtain scenic rivers license plates pursuant to 1236

section 4503.56 of the Revised Code. 1237

The donations and contributions deposited in the fund 1238
shall be used by the department to help finance ~~wild, scenic,~~ 1239
~~and recreational river areas~~ conservation, education, ~~corridor~~ 1240
protection, restoration, and habitat enhancement and clean-up 1241
projects ~~along within the watersheds of wild, scenic, and~~ 1242
recreational rivers in those areas. The chief of the division of 1243
~~parks and watercraft in the department~~ natural areas and 1244
preserves may expend money in the fund for the acquisition of 1245
~~wild, scenic, and recreational river areas~~ lands, for the 1246
maintenance, protection, and administration of ~~such areas~~ wild, 1247
scenic, and recreational rivers, and for the construction of 1248
facilities within ~~those areas~~ scenic river lands and any other 1249
publicly owned lands that are administered by the division and 1250
are within the watersheds of those rivers. All investment 1251
earnings of the fund shall be credited to the fund. 1252

As used in this section, "~~wild river areas~~," "scenic river 1253
lands," "~~scenic river areas~~," and "~~recreational river areas~~" 1254
have the same meanings as in section ~~1546.01-1517.01~~ of the 1255
Revised Code. 1256

Section 2. That existing sections 505.82, 1514.10, 1257
1517.01, 1517.02, 1517.021, 1517.11, 1531.04, 1546.01, 1546.02, 1258
1546.04, 1547.73, 1547.75, 1547.81, 1547.82, 1547.83, 1547.84, 1259
1547.85, 1547.86, 3714.03, and 4501.24 of the Revised Code are 1260
hereby repealed. 1261