

**Senate Agriculture and Natural Resources Committee**  
**Karen Hesser, Chief Executive Officer, Five Rivers MetroParks**  
**Ohio Operating Budget - HB 96**  
**May 13, 2025**

Chair Schaffer, Vice Chair Koehler, Ranking Member Hicks-Hudson, and members of the Senate Agriculture and Natural Resources Committee, thank you for the opportunity to submit testimony on the state's operating budget, House Bill 96. My name is Karen Hesser, Chief Executive Officer of the Five Rivers MetroParks (FRMP), and I write to you today to raise our concerns about several provisions in the House-passed version of the budget that would negatively impact park districts across Ohio, including ours in Montgomery County.

**Eminent Domain for Trail Projects**

We are greatly concerned by language that redefines "public use" to explicitly exclude trails from eligibility under eminent domain. Its use may be infrequent, but this tool plays a vital role in enabling thoughtful, strategic park development. While FRMP has not needed to use eminent domain to acquire land for a trail project, we recognize it may be necessary in rare or exceptional situations. For instance, where ownership is unclear due to natural changes in waterways or where out-of-state owners refuse to negotiate, the ability to use eminent domain ensures we can complete regionally significant trail connections desired by the public that serve the public good, whether for exercise, transportation, or recreation.

We have walked away from projects when property owners declined to sell, examples include the Wolf Creek Trail. In other cases, patient negotiation has produced voluntary acquisitions, as with the North Great Miami Trail. In all instances, eminent domain has remained an absolute last resort.

The inclusion of this provision in the budget is an overbroad solution to a single, isolated dispute in another region of the state, and its ripple effect would be far-reaching. Trails are among the most requested and well-used amenities in the state. Ohio's 2024 Statewide Comprehensive Outdoor Recreation Plan (SCORP) where a public survey identified trails as having the greatest participation of any other outdoor recreation category and as the top facility to expand. Based on these results, the number one priority identified in the SCORP is to advance the trail network in Ohio. Trail development serves clear public purposes, including health, transportation, mobility, tourism, and economic development. We urge the Senate to remove or significantly narrow this language.

**Park District Governance**

We are also concerned about a provision modifying the appointing authority for a specific 1545 park district. Though seemingly tailored to one district, this sets a dangerous precedent. The current model, used successfully for decades, ensures independence, continuity, and accountability. Making changes through the budget bill rather than the standard legislative process could disrupt local decision-making and create uncertainty within long-standing governance structures.

**Use of H2Ohio Funds**

Finally, we note the inclusion of language preventing the use of H2Ohio funds for land acquisition. While FRMP has thus far used H2Ohio support primarily for wetland restoration—such as our \$499,500 award for the Spring Run Conservation Area in 2022—the nature of such projects often requires securing land with the specific hydrologic and soil characteristics needed to achieve water quality goals. Disallowing land acquisition contradicts the very purpose of H2Ohio, which aims to invest in natural infrastructure to protect water quality.

These three provisions, while distinct, share a troubling theme: the restriction of local park districts' ability to effectively serve their communities. FRMP respectfully requests the Senate to:

1. Remove or amend the eminent domain restriction to address only the specific legal dispute in Mahoning County;
2. Eliminate the targeted change to 1545 park board governance, preserving longstanding local appointment structures;
3. Restore flexibility in the use of H2Ohio funds, including for land acquisition when necessary to fulfill program goals.

Thank you for your time and consideration. Five Rivers MetroParks is dedicated to conservation, recreation, and serving the community, and we hope to continue working together to ensure the budget reflects and supports those priorities.