

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**S. B. No. 433**

**Senator Gavarone**

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To amend sections 1506.01, 1506.02, 1506.06, 1  
1506.10, 1506.11, 1506.40, 1506.41, and 1506.44 2  
and to enact sections 1506.401, 1506.402, and 3  
1506.403 of the Revised Code to alter the law 4  
governing coastal management. 5

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

**Section 1.** That sections 1506.01, 1506.02, 1506.06, 6  
1506.10, 1506.11, 1506.40, 1506.41, and 1506.44 be amended and 7  
sections 1506.401, 1506.402, and 1506.403 of the Revised Code be 8  
enacted to read as follows: 9

**Sec. 1506.01.** As used in this chapter: 10

(A) "Coastal area" means the waters of Lake Erie, the 11  
islands in the lake, and the lands under and adjacent to the 12  
lake, including transitional areas, wetlands, and beaches. The 13  
coastal area extends in Lake Erie to the international boundary 14  
line between the United States and Canada and landward only to 15  
the extent necessary to include shorelands, the uses of which 16  
have a direct and significant impact on coastal waters as 17  
determined by the director of natural resources. 18

(B) "Coastal management program" means the comprehensive 19  
action of the state and its political subdivisions cooperatively 20

to preserve, protect, develop, restore, or enhance the resources 21  
of the coastal area and to ensure wise use of the land and water 22  
resources of the coastal area, giving attention to natural, 23  
cultural, historic, and aesthetic values; agricultural, 24  
recreational, energy, and economic needs; and the national 25  
interest. "Coastal management program" includes the 26  
establishment of objectives, policies, standards, and criteria 27  
concerning, without limitation, protection of air, water, 28  
wildlife, rare and endangered species, wetlands and natural 29  
areas, and other natural resources in the coastal area; 30  
management of coastal development and redevelopment; 31  
preservation and restoration of historic, cultural, and 32  
aesthetic coastal features; and public access to the coastal 33  
area for recreation purposes. 34

(C) "Coastal management program document" means a 35  
comprehensive statement consisting of, without limitation, text, 36  
maps, and illustrations that is adopted by the director in 37  
accordance with this chapter, describes the objectives, 38  
policies, standards, and criteria of the coastal management 39  
program for guiding public and private uses of lands and waters 40  
in the coastal area, lists the governmental agencies, including, 41  
without limitation, state agencies, involved in implementing the 42  
coastal management program, describes their applicable policies 43  
and programs, and cites the statutes and rules under which they 44  
may adopt and implement those policies and programs. 45

(D) "Person" means any agency of this state, any political 46  
subdivision of this state or of the United States, and any legal 47  
entity defined as a person under section 1.59 of the Revised 48  
Code. 49

(E) "Director" means the director of natural resources or 50

the director's designee. 51

(F) "Permanent structure" means any residential, 52  
commercial, industrial, institutional, or agricultural building, 53  
any mobile home as defined in division (O) of section 4501.01 of 54  
the Revised Code, any manufactured home as defined in division 55  
(C) (4) of section 3781.06 of the Revised Code, and any septic 56  
system that receives sewage from a single-family, two-family, or 57  
three-family dwelling, but does not include any recreational 58  
vehicle as defined in section 4501.01 of the Revised Code. 59

(G) "State agency" or "agency of the state" has the same 60  
meaning as "agency" as defined in section 111.15 of the Revised 61  
Code. 62

(H) "Coastal flood hazard area" means any territory within 63  
the coastal area that has been identified as a flood hazard area 64  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 65  
42 U.S.C.A. 4002, as amended. 66

(I) "Coastal erosion area" means any territory included in 67  
Lake Erie coastal erosion areas identified by the director under 68  
section 1506.06 of the Revised Code. 69

(J) "Conservancy district" means a conservancy district 70  
that is established under Chapter 6101. of the Revised Code. 71

(K) "Park board" means the board of park commissioners of 72  
a park district that is created under Chapter 1545. of the 73  
Revised Code. 74

(L) "Erosion control ~~structure~~measure" means a coastal 75  
structure or coastal restoration that is designed ~~solely and~~ 76  
~~specifically primarily~~ to reduce or control avulsion or erosion 77  
of the shore along or near Lake Erie, including, without 78  
limitation, beaches, revetments, seawalls, bulkheads, certain 79

breakwaters, and similar ~~structures~~measures. 80

(M) "~~Shore Coastal structure~~" ~~includes, but is not limited~~ 81  
~~to, beaches;~~ means any structure constructed along or near the 82  
Ohio shoreline of Lake Erie, or within the waters of Lake Erie, 83  
that may affect shore erosion, wave action, or inundation 84  
including retaining walls; groins; revetments; bulkheads; 85  
seawalls; breakwaters; ~~certain dikes designated by the chief of~~ 86  
~~the division of water resources; piers; docks; jetties; wharves;~~ 87  
marinas; boat ramps; and boathouses; and any associated fill or 88  
~~debris~~ used as part of the construction of ~~shore~~ such structures 89  
that may affect shore erosion, wave action, or inundation; and 90  
fill or debris that is placed along or near the shore, including 91  
bluffs, banks, or beach ridges, for the purpose of stabilizing 92  
slopes. 93

(N) "Coastal restoration" means restoration or enhancement 94  
of lost natural coastal features along the shoreline of Lake 95  
Erie such as beaches, dunes, wetlands, and associated uplands, 96  
or creation or enhancement of beneficial natural coastal 97  
features such as beaches, nature-based shorelines, wetlands, and 98  
other coastal habitats. 99

(O) "Accretion" means the gradual and imperceptible 100  
enlargement of the shore or other upland through the natural 101  
deposit of sediment, sand, or other materials along the shore. 102

(P) "Avulsion" means the sudden and perceptible loss of 103  
the shore or other upland due to natural forces such as, without 104  
limitation, floods, storms, or wave action. 105

(Q) "Governmental" means any agency of the state or any 106  
political subdivision of the state, including a county or 107  
municipal corporation. 108

(R) "Natural shoreline" means the line, which moves over 109  
time under the natural processes of accretion, reliction, 110  
erosion, and submergence, at which the water usually stands when 111  
free from disturbing causes. 112

(S) "Disturbing causes" means sudden, extraordinary, 113  
dramatic or relatively short term actions or processes that are 114  
perceptible when occurring, such as storms, storm surge, wind, 115  
waves, seiche, harbor resonance, avulsion, or flooding. 116  
"Disturbing causes" does not include the gradual and 117  
imperceptible processes of accretion, reliction, erosion, or 118  
submergence. 119

(T) "Erosion" means the process by which the action of 120  
water gradually and imperceptibly causes the shore or other 121  
upland to be worn, lost, or carried away from natural causes. 122

(U) "Facility" means any development or improvement 123  
constructed in Lake Erie, including existing fills, that is 124  
owned or operated by a utility or governmental entity. 125

(V) "Utility" means any utility company regulated by, 126  
within the jurisdiction of, registered with, or licensed to do 127  
business in the state of Ohio by the public utilities 128  
commission. 129

(W) "Reliction" means the gradual and imperceptible 130  
retreat or recession of the water from natural causes. 131

(X) "Submergence" means the gradual and imperceptible 132  
inundation of land by adjoining waters. 133

**Sec. 1506.02.** (A) The department of natural resources is 134  
hereby designated the lead agency for the development and 135  
implementation of a coastal management program. The director of 136  
natural resources: 137

(1) Shall develop and adopt the coastal management program document. The director shall cooperate and coordinate with other agencies of the state and its political subdivisions in the development of the document. Before adopting the document, the director shall hold four public hearings on it in the coastal area, and may hold additional public meetings, to give the public the opportunity to make comments and recommendations concerning its terms. The director shall consider the public comments and recommendations before adopting the document. The director may amend the coastal management program document, provided that, prior to making changes in it, the director notifies ~~by mail those persons who submitted comments and recommendations concerning the original document and appropriate agencies of the state and its political subdivisions and organizations on the list maintained by the director under~~ division (A) (3) (a) of this section and also causes public notice of any changes to be given by posting on the official public notice web site established under section 125.182 of the Revised Code and on the web site of the department of natural resources. The director ~~may~~ shall hold at least one public hearing on the proposed changes.

(2) Shall administer the coastal management program in accordance with the coastal management program document, this chapter, and rules adopted under it;

(3) Shall adopt and may amend or rescind rules under Chapter 119. of the Revised Code for the implementation, administration, and enforcement of the coastal management program and the other provisions of this chapter. Before the adoption, amendment, or rescission of rules under division (A) (3) of this section, the director shall do all of the following:

- (a) Maintain a list of interested ~~public persons and~~ 168  
~~private organizations and mail send~~ notice to those persons and 169  
organizations of any proposed rule or amendment to or rescission 170  
of a rule at least thirty days before any public hearing on the 171  
proposal; 172
- (b) ~~Mail Send~~ a copy of each proposed rule, amendment, or 173  
rescission to any person who requests a copy within five days 174  
after receipt of the request; 175
- (c) Consult with appropriate statewide organizations and 176  
units of local government that would be affected by the proposed 177  
rule, amendment, or rescission. 178
- ~~Although the director is expected to discharge these~~ 179  
~~duties diligently, failure to mail any notice or copy or to so~~ 180  
~~consult with any person is not jurisdictional and shall not be~~ 181  
~~construed to invalidate any proceeding or action of the~~ 182  
~~director.~~ 183
- (4) Shall provide for consultation and coordination 184  
between and among state agencies, political subdivisions of the 185  
state, and interstate, regional, areawide, and federal agencies 186  
in carrying out the purposes of the coastal management program 187  
and the other provisions of this chapter; 188
- (5) Shall, to the extent practicable and consistent with 189  
the protection of coastal area resources, coordinate the rules 190  
and policies of the department of natural resources with the 191  
rules and policies of other state and federal agencies to 192  
simplify and consolidate the regulation of activities along the 193  
Lake Erie shoreline; 194
- (6) May, to accomplish the purposes of the coastal 195  
management program and the other provisions of this chapter, 196

contract with any person and may accept and expend gifts,	197
bequests, and grants of money or property from any person.	198
(B) Every agency of the state, upon request of the	199
director, shall cooperate with the department of natural	200
resources in the implementation of the coastal management	201
program.	202
(C) The director shall establish a coastal management	203
assistance grant program. Grants may be awarded from federal	204
funds received for that purpose and from such other funds as may	205
be provided by law to any municipal corporation, county,	206
township, park district created under section 511.18 or 1545.04	207
of the Revised Code, conservancy district established under	208
Chapter 6101. of the Revised Code, port authority, other	209
political subdivision, state agency, educational institution, or	210
nonprofit corporation to help implement, administer, or enforce	211
any aspect of the coastal management program. Grants may be used	212
for any of the following purposes:	213
(1) Feasibility studies and engineering reports for	214
projects that are consistent with the policies in the coastal	215
management program document;	216
(2) The protection and preservation of wetlands, beaches,	217
fish and wildlife habitats, minerals, natural areas, prime	218
agricultural land, endangered plant and animal species, or other	219
significant natural coastal resources;	220
(3) The management of shoreline development to prevent	221
loss of life and property in coastal flood hazard areas and	222
coastal erosion areas, to set <del>prioities</del> <u>priorities</u> for water-	223
dependent energy, commercial, industrial, agricultural, and	224
recreational uses, or to identify environmentally acceptable	225

sites for dredge spoil disposal;	226
(4) Increasing public access to Lake Erie and other public places in the coastal area;	227 228
(5) The protection and preservation of historical, cultural, or aesthetic coastal resources;	229 230
(6) Improving the predictability and efficiency of governmental decision making related to coastal area management;	231 232
(7) Adopting, administering, and enforcing zoning ordinances or resolutions relating to coastal flood hazard areas or coastal erosion areas;	233 234 235
(8) The redevelopment of deteriorating and underutilized waterfronts and ports;	236 237
(9) <u>Providing financial assistance to any owner of littoral property abutting Lake Erie to protect the owner's private property rights;</u>	238 239 240
<u>(10) Other purposes approved by the director.</u>	241
<b>Sec. 1506.06.</b> (A) The director of natural resources, using the best available scientific records, data, and analyses of shoreline recession, shall make a preliminary identification of Lake Erie coastal erosion areas, which are the land areas anticipated to be lost by <u>recession of the Lake Erie-related erosion-Erie shoreline</u> within a thirty-year period if no additional approved erosion control measures are completed within that time. The preliminary identification shall state the bluff recession rates for the coastal erosion areas and shall take into account areas where substantial filling, protective measures, or naturally stable land has significantly reduced recession. Prior to making the preliminary identification, the	242 243 244 245 246 247 248 249 250 251 252 253

director shall consult with the appropriate authority of each 254  
municipal corporation, county, and township having territory 255  
within an area that the director proposes to identify as a Lake 256  
Erie coastal erosion area. ~~Upon~~ 257

Upon making the preliminary identification, the director 258  
shall notify by certified mail the appropriate authority of each 259  
municipal corporation, county, and township having territory 260  
within a Lake Erie coastal erosion area of the preliminary 261  
identification. The notice shall delineate the portion of a Lake 262  
Erie coastal erosion area within the jurisdiction of, and shall 263  
be made available for public inspection by, the municipal 264  
corporation, county, or township. The director also shall 265  
~~publish a notice in a newspaper of general circulation in each~~ 266  
~~affected locality stating that the preliminary identification~~ 267  
~~has been made and stating where information delineating the Lake~~ 268  
~~Erie coastal erosion areas may be inspected by the public and~~ 269  
~~shall~~ notify each landowner of record in a coastal erosion area 270  
of the preliminary identification. The notification shall be 271  
sent by certified mail to the affected landowner at the address 272  
indicated in the most recent tax duplicate. Within ~~sixty~~ thirty 273  
days after the notifications required by this division, the 274  
director shall hold public ~~hearings~~ meetings in each of the 275  
shoreline counties on the preliminary identification of the Lake 276  
Erie coastal erosion areas. ~~Any~~ 277

Any affected municipal corporation, county, township, or 278  
private landowner may file with the director a written objection 279  
to the preliminary identification at any ~~of those hearings~~ such 280  
public meeting or at any other time within ~~one hundred twenty~~ 281  
ninety days from the date ~~indicated in~~ of the certified mail 282  
notice, ~~which date shall be one week following the date of the~~ 283  
~~notice~~. For any such objection, verifiable evidence or 284

documentation shall be submitted indicating that some portion of 285  
a Lake Erie coastal erosion area should not have been included 286  
in the areas defined by the preliminary identification. A 287  
municipal corporation, county, or township may object only with 288  
respect to territory within its jurisdiction or other territory 289  
that it owns; a private landowner may object only with respect 290  
to the landowner's land. 291

(B) The director shall review all objections filed under 292  
division (A) of this section. The director may then modify the 293  
preliminary identification of Lake Erie coastal erosion areas. 294  
Within the next ninety days, the director shall notify each 295  
objecting person of the director's decision regarding the 296  
objection. The director also shall notify, within that ninety- 297  
day period, any other owner for whom the director's decision 298  
results in a modification on that other owner's property. 299

(C) Whenever the preliminary identification of a Lake Erie 300  
coastal erosion area is modified as a result of an objection, 301  
the director shall so notify the affected municipal corporation, 302  
county, or township and shall publish a notice of the 303  
modification in a newspaper of general circulation in the 304  
affected locality. Objections to modifications may be filed 305  
within sixty days of the newspaper notification required by this 306  
division or within sixty days of the date of the property 307  
owner's notification required by division (B) of this section, 308  
whichever is later, and shall be filed in the same manner as 309  
objections to the original preliminary identification. The 310  
director shall rule on each objection to a modification within 311  
sixty days after receiving it. 312

(D) After the director has ruled on each objection filed 313  
under division (B) or (C) of this section, the director shall 314

make a final identification of the Lake Erie coastal erosion 315  
areas ~~and shall~~ and shall notify by certified mail the appropriate 316  
authority of each affected municipal corporation, county, and 317  
township of the final identification. The final identification 318  
may be appealed under section 1506.08 of the Revised Code. 319

(E) At least once every ten years, the director shall 320  
review and may revise the identification of Lake Erie coastal 321  
erosion areas, taking into account any recent natural or 322  
artificially induced changes affecting anticipated recession. 323  
The review and revision shall be done in the same manner as that 324  
provided for original preliminary and final identification in 325  
this section. 326

(F) Any person who has received written notice under this 327  
section or section 5302.30 of the Revised Code that a parcel or 328  
any portion of a parcel of real property that the person owns 329  
has been included in a Lake Erie coastal erosion area identified 330  
under this section shall not sell or transfer any interest in 331  
that real property unless the person first provides written 332  
notice to the purchaser or grantee that the real property is 333  
included in a Lake Erie coastal erosion area. The written notice 334  
shall be provided in accordance with section 5302.30 of the 335  
Revised Code. 336

(G) No state agency, county, township, or municipal 337  
corporation, or any other political subdivision or special 338  
district in this state established by law shall use the fact 339  
that property has been identified as a Lake Erie coastal erosion 340  
area as a basis for any of the following: 341

(1) Failing to enter into or renew a lease ~~or under~~ 342  
section 1506.11 of the Revised Code or failing to issue or renew 343  
a permit under section ~~1506.11-1506.40~~ 1506.40 of the Revised Code; 344

(2) Failing to issue or renew a permit required by law, 345  
other than a permit issued under section 1506.07 of the Revised 346  
Code; 347

(3) Taking private property for public use in the exercise 348  
of the power of eminent domain; 349

(4) Determining what constitutes just compensation for a 350  
taking of the property in the exercise of the power of eminent 351  
domain. 352

**Sec. 1506.10.** (A) As used in this section and sections 353  
1506.11 and 1506.40 of the Revised Code, "territory" means the 354  
waters and the lands presently underlying the waters of Lake 355  
Erie and the lands formerly underlying the waters of Lake Erie 356  
and now artificially filled, between the natural shoreline and 357  
the international boundary line with Canada. "Territory" does 358  
not include any of the following: 359

(1) Deeded lands that become submerged due to avulsion. 360  
Any land presently underlying the waters of Lake Erie within the 361  
boundary of a valid and recorded deed are presumed to have 362  
become submerged by avulsion. The presumption may be overcome by 363  
the state only with clear and convincing evidence that such loss 364  
of land was the result of erosion or submergence. 365

(2) Land formerly underlying the waters of Lake Erie and 366  
now artificially filled if the artificial fill was placed 367  
landward of a natural shoreline that existed prior to an 368  
avulsive event; 369

(3) Land formed by accretion. The state shall not claim 370  
ownership of accreted lands unless clear and convincing evidence 371  
establishes that such land was created by artificial means under 372  
the control of the littoral property owner. 373

(B) It is hereby declared that the waters of Lake Erie 374  
consisting of the territory within the boundaries of the state, 375  
extending from the ~~southerly shore~~ natural shoreline of Lake 376  
Erie to the international boundary line between the United 377  
States and Canada, together with the soil beneath and their 378  
contents, do now belong and have always, since the organization 379  
of the state of Ohio, belonged to the state as proprietor in 380  
trust for the people of the state, for the public uses to which 381  
they may be adapted, subject to the powers of the United States 382  
government, to the public rights of navigation, water commerce, 383  
and fishery, and to the property rights of littoral owners, 384  
including the right to wharf out to navigable waters and to 385  
access and make reasonable use of the waters in front of or 386  
flowing past their lands. Any artificial encroachments by public 387  
or private littoral owners, which interfere with the free flow 388  
of commerce in navigable channels, whether in the form of 389  
wharves, piers, fills, or otherwise, beyond the natural 390  
shoreline of those waters, not expressly authorized by the 391  
general assembly, acting within its powers, or pursuant to 392  
section 1506.11 of the Revised Code, shall not be considered as 393  
having prejudiced the rights of the public in such domain. This 394  
section does not limit the right of the state to control, 395  
improve, or place aids to navigation in the other navigable 396  
waters of the state or the territory formerly covered thereby. 397

(C) Littoral property owners adjacent to Lake Erie retain 398  
all private property rights to their deeded lands landward of 399  
the natural shoreline, including the right to exclude others and 400  
the right to protect their deeded property from erosion and 401  
avulsion. The state shall not claim, regulate, or lease any 402  
deeded lands lying landward of the natural shoreline under the 403  
public trust doctrine. 404

(D) The department of natural resources is hereby 405  
designated as the state agency in all matters pertaining to the 406  
care, protection, and enforcement of the state's rights 407  
designated in this section. 408

(E) Any order of the director of natural resources in any 409  
matter pertaining to the care, protection, and enforcement of 410  
the state's rights in that territory is a rule or adjudication 411  
within the meaning of sections 119.01 to 119.13 of the Revised 412  
Code. 413

**Sec. 1506.11.** (A) ~~"Territory," as As used in this section,~~ 414  
~~"local authority" means the waters and the lands presently~~ 415  
~~underlying the waters of Lake Erie and the lands formerly~~ 416  
~~underlying the waters of Lake Erie and now artificially filled,~~ 417  
~~between the natural shoreline and the international boundary~~ 418  
~~line with Canada.~~ 419

~~(B) Whenever the state, acting through the director of~~ 420  
~~natural resources, upon application of any any of the following:~~ 421

(1) A board of county commissioners with jurisdiction over 422  
territory sought to be leased, unless a municipal corporation or 423  
port authority has such jurisdiction; 424

(2) The legislative authority of a municipal corporation 425  
with jurisdiction over territory sought to be leased, unless a 426  
port authority has such jurisdiction; 427

(3) A board of directors of a port authority with 428  
jurisdiction over territory sought to be leased. 429

(B) No person who wants to develop or improve shall 430  
construct a facility upon part of the territory for utility or 431  
governmental use, and after notice that the without applying 432  
for and obtaining a lease from the director of natural resources 433

under this section. 434

(C) In describing the territory for purposes of an 435  
application to construct a facility, the applicant shall 436  
estimate the natural shoreline as accurately as possible using 437  
the best practicable measures. However, the estimation of the 438  
natural shoreline is solely for the purposes of the 439  
administration of this section and does not constitute a legally 440  
binding determination or declaration of the natural shoreline or 441  
the respective rights of the public, the state, the applicant, 442  
or any owner of upland property. 443

(D) The director, at the director's discretion, may give 444  
as provided in this section, may enter into a lease with an 445  
applicant under this section if both of the following apply: 446

(1) The director determines that any part of the territory 447  
can be developed and improved, or the waters thereof used, as 448  
specified in the application without impairment of the public 449  
right of navigation, water commerce, and fishery, a lease of all 450  
or any part of the state's interest therein may be entered into 451  
with the applicant, or a permit may be issued for that purpose, 452  
subject to the powers of the United States government and in 453  
accordance with rules adopted by the director in accordance with 454  
Chapter 119. of the Revised Code, and without prejudice to the 455  
littoral rights of any owner of land fronting on Lake Erie, 456  
provided that the legislative authority of the municipal 457  
corporation within which any such part of the territory is 458  
located, if the municipal corporation is not within the 459  
jurisdiction of a port authority, or the county commissioners of 460  
the county within which such part of the territory is located, 461  
excluding any territory within a municipal corporation or under 462  
the jurisdiction of a port authority, or the board of directors 463

~~of a port authority with respect to such part of the territory~~ 464  
~~included in the jurisdiction of the port authority, ;~~ 465

(2) The appropriate local authority has enacted an 466  
ordinance or resolution finding and determining ~~that such both~~ 467  
of the following: 468

(a) The part of the territory, described by metes and 469  
~~bounds or by an alternate description referenced to the~~ 470  
~~applicant's upland property description that is considered~~ 471  
~~adequate by the director, plat of survey,~~ is not necessary or 472  
required for the construction, maintenance, or operation by the 473  
~~municipal corporation, county, or port~~ local authority of 474  
breakwaters, piers, docks, wharves, bulkheads, connecting ways, 475  
water terminal facilities, and improvements and marginal 476  
highways in aid of navigation and water commerce ~~and that the.~~ 477

(b) The land uses specified in the application comply with 478  
regulation of permissible land use under a waterfront plan of 479  
the local authority. 480

~~(C)~~ (E) Upon the filing of the a complete application 481  
with the director, the director ~~may~~ shall hold a public hearing 482  
thereon and ~~may~~ shall cause written notice of the filing to be 483  
given to any municipal corporation, county, or port authority, 484  
as the case may be, in which such part of the territory is 485  
located and also shall cause public notice of the filing to be 486  
given by advertisement in a newspaper of general circulation 487  
within the locality where such part of the territory is located. 488  
~~If a hearing is to be held, public~~ Public notice of the filing 489  
may be combined with public notice of the hearing and shall be 490  
given once a week for four consecutive weeks prior to the date 491  
of the initial hearing. All hearings shall be before the 492  
director and shall be open to the public, and a record shall be 493

made of the proceeding. Parties thereto are entitled to be heard 494  
and to be represented by counsel. The findings and order of the 495  
director shall be in writing. All costs of the hearings, 496  
including publication costs, shall be paid by the applicant. The 497  
~~director also may hold public meetings on the filing of an~~ 498  
~~application.~~ 499

(F) The director may approve, deny, or conditionally 500  
approve an application for a lease. If an application is denied 501  
or conditionally approved, the applicant may request an 502  
adjudication hearing under Chapter 119. of the Revised Code. If 503  
requested in writing by the applicant within thirty days of 504  
issuance of a notice of denial or conditional approval of the 505  
application, the director shall conduct an adjudication hearing 506  
under Chapter 119. of the Revised Code. After reviewing the 507  
record of any hearing and adjudication hearing, as applicable, 508  
the director shall issue a final order approving, denying, or 509  
conditionally approving the lease application. 510

(G) If the director finds that a lease may properly be 511  
entered into with ~~the~~ an applicant, the director shall proceed 512  
as follows: 513

(1) For a utility applicant ~~or a permit may properly be~~ 514  
~~issued to the applicant,~~ the director shall determine the 515  
consideration to be paid by the applicant, ~~which.~~ The 516  
consideration shall exclude the value of the littoral rights of 517  
the owner of land fronting on Lake Erie and improvements made or 518  
paid for by the owner of land fronting on Lake Erie or that 519  
owner's predecessors in title. 520

(2) For a governmental applicant, the consideration to be 521  
paid shall be one dollar per calendar year. ~~The~~ 522

(3) For all applicants, the lease or permit may be for 523  
such periods of time as the director determines, with an initial 524  
term of not less than fifty years. The rentals received under 525  
the terms of such a lease ~~or permit~~ shall be paid into the state 526  
treasury to the credit of the Lake Erie submerged lands fund, 527  
which is hereby created, and shall be distributed from that fund 528  
as follows: 529

~~(1)(a)~~ (a) Fifty per cent of each rental shall be paid to the 530  
department of natural resources for the administration of this 531  
section and ~~section~~ sections 1506.02 and 1506.10 of the Revised 532  
Code ~~and for the coastal management assistance grant program~~ 533  
~~required to be established under division (C) of section 1506.02~~ 534  
~~of the Revised Code;~~ 535

~~(2)(b)~~ (b) Fifty per cent of each rental shall be paid to the 536  
municipal corporation, county, or port authority making the 537  
finding provided for in this section. 538

~~All leases and permits~~ (H) A lease shall be executed in 539  
the manner provided by section ~~5501.01~~ 1501.01 of the Revised 540  
Code ~~and~~. The lease shall contain, in addition to the provisions 541  
required in this section, a reservation to the state of all 542  
mineral rights and a provision that the removal of any minerals 543  
shall be conducted in such manner as not to damage any 544  
improvements placed by the littoral owner, or lessee, ~~or permit~~ 545  
~~holder on the lands.~~ No lease ~~or permit~~ of the lands defined in 546  
this section shall express or imply any control of fisheries or 547  
aquatic wildlife now vested in the division of wildlife of the 548  
department. 549

~~(D) Upland owners~~ 550

(I) Any person who ~~owns~~ owns a facility constructed prior to 551

October 13, 1955, ~~have erected, developed, or maintained~~ 552  
~~structures, facilities, buildings, or improvements or made use~~ 553  
~~of waters in the part of the territory in front of those uplands~~ 554  
shall be granted a lease ~~or permit~~ by the state upon the 555  
presentation of a certification by the chief executive of a 556  
municipal corporation, resolution of the board of county 557  
commissioners, or resolution of the board of directors of the 558  
port authority establishing that the ~~structures, facilities,~~ 559  
~~buildings, improvements, or uses~~ facility does not constitute 560  
an unlawful encroachment on navigation and water commerce. The 561  
lease ~~or permit~~ shall specifically ~~enumerate~~ describe the 562  
~~structures, facilities, buildings, improvements, or uses so~~ 563  
~~included~~ facility. 564

~~(E)~~ (J) Persons having secured a lease ~~or permit~~ under 565  
this section are entitled to just compensation for the taking, 566  
whether for navigation, water commerce, or otherwise, by any 567  
governmental authority having the power of eminent domain, of 568  
~~structures, facilities, buildings, improvements, or uses~~ erected 569  
or placed upon part of the territory pursuant to the lease ~~or~~ 570  
~~permit~~ or the littoral rights of the person and for the taking 571  
of the leasehold and the littoral rights of the person pursuant 572  
to the procedure provided in Chapter 163. of the Revised Code. 573  
The compensation shall not include any compensation for the site 574  
in the territory except to the extent of any interest in the 575  
site theretofore acquired by the person under this section or by 576  
prior acts of the general assembly or grants from the United 577  
States government. The failure of any person to apply for or 578  
obtain a lease ~~or permit~~ under this section does not prejudice 579  
any right the person may have to compensation for a taking of 580  
littoral rights or of improvements made in accordance with a 581  
lease, ~~a permit,~~ or littoral rights. 582

~~(F)–(K)~~ (K) If any taxes or assessments are levied or assessed upon property that is the subject of a lease ~~or permit~~ under this section, the taxes or assessments are the obligation of the lessee ~~or permit holder~~.

~~(G)–(L)~~ (L) If a lease ~~or permit~~ secured under this section requires the lessee ~~or permit holder~~ to obtain the approval of the department or any of its divisions for any changes ~~in~~ structures, facilities, or buildings, for any improvements, ~~or for any changes or expansion in use~~ to the facility, ~~no the~~ lessee ~~or permit holder~~ shall ~~change~~ not make any structures, facilities, or buildings, ~~make any improvements, or expand or change any uses~~ changes to the facility unless the director first determines that the proposed action will not adversely affect any ~~current or prospective exercise of the public right of recreation in the territory and in the state's reversionary interest in any territory leased or permitted~~ under this section.

~~Proposed changes or improvements shall be deemed to "adversely affect" the public right of recreation if the changes or improvements cause or will cause any significant demonstrable negative impact upon any present or prospective recreational use of the territory by the public during the term of the lease or permit or any renewals and of any public recreational use of the leased or permitted premises in which the state has a reversionary interest.~~

(M) The director or the director's duly authorized representative may enter at reasonable times upon any property to inspect any facility in order to determine if it complies with this section, a lease issued under it, or any rule adopted under it. If entry is prevented or hindered, the director or the

director's authorized representative may apply for, and the 613  
court of common pleas having appropriate jurisdiction may issue, 614  
an appropriate inspection warrant necessary to achieve the 615  
purposes of this section and rules adopted under it. 616

(N) Within ninety days after effective date of this 617  
amendment, the director shall adopt rules in accordance with 618  
Chapter 119. of the Revised Code governing the leasing process 619  
provided for in this section and any rules necessary for the 620  
administration, implementation, and enforcement of this section. 621

**Sec. 1506.40.** ~~No~~ Beginning on the effective date of this 622  
amendment, no person shall construct a beach, groin, or other 623  
coastal structure to control erosion, wave action, or inundation 624  
or perform coastal restoration along or near the Ohio shoreline 625  
of Lake Erie or within the waters of Lake Erie, including 626  
related islands, bays, and inlets, without first obtaining a 627  
shore structure permit from the director of natural resources 628  
under section 1506.401 or 1506.402 of the Revised Code. 629

~~The application for a permit shall include detailed plans~~ 630  
~~and specifications prepared by a professional engineer~~ 631  
~~registered under Chapter 4733. of the Revised Code. An applicant~~ 632  
~~shall provide appropriate evidence of compliance with any~~ 633  
~~applicable provisions of this chapter and Chapters 1505. and~~ 634  
~~1521. of the Revised Code, as determined by the director. A~~ 635  
~~temporary shore structure permit may be issued by the director~~ 636  
~~if it is determined necessary to safeguard life, health, or~~ 637  
~~property.~~ 638

~~Each application or reapplication for a permit under this~~ 639  
~~section shall be accompanied by a non-refundable fee as the~~ 640  
~~director shall prescribe by rule.~~ 641

~~If the application is approved, the director shall issue a permit to the applicant authorizing construction of the project. If requested in writing by the applicant within thirty days of issuance of a notice of disapproval of the application, the director shall conduct an adjudication hearing under Chapter 119. of the Revised Code, except sections 119.12 and 119.121 of the Revised Code. After reviewing the record of the hearing, the director shall issue a final order approving the application, disapproving it, or approving it conditioned on the making of specified revisions in the plans and specifications.~~

~~The director, by rule, shall limit the period during which a construction permit issued under this section is valid and shall establish reapplication requirements governing a construction permit that expires before construction is completed.~~

~~In accordance with Chapter 119. of the Revised Code, the director shall adopt, and may amend or rescind, such rules as are necessary for the administration, implementation, and enforcement of this section.~~

Sec. 1506.401. (A) As used in this section and section 1506.402 of the Revised Code:

(1) "Ohio Coastal Design Manual" means chapter four of the Ohio Coastal Design Manual, first edition, 2011, published by the department of natural resources' office of coastal management.

(2) "Within the boundaries of the property owner's property" may include the minimum amount of territory in Lake Erie required to achieve a 3/1 slope for revetment stabilization.

(B) Upon applying for and obtaining a permit under this section, an owner of littoral property abutting Lake Erie may construct, maintain, or repair a coastal structure or perform coastal restoration, for purposes of reducing or controlling erosion or avulsion of the littoral property, exclusively within the boundaries of the property owner's property, as determined by the property owner's deed. 671  
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(C) Prior to commencing construction of a coastal structure or performing coastal restoration under this section, the littoral property owner shall do all of the following: 678  
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(1) Obtain a boundary survey to confirm that the coastal structure's construction will occur exclusively within the boundaries of the property owner's property; 681  
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(2) Employ a licensed contractor, a professional engineer, or both, as determined reasonable in the property owner's sole discretion, to prepare plans that are consistent with the design guidelines and examples in the Ohio Coastal Design Manual. The director shall not require the property owner to obtain plans prepared by a professional engineer, or to obtain a topographical survey. For revetments, the use of two to four ton armor stone shall be presumed reasonable. 684  
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(3) Submit an application with the plans and a boundary survey to the director of natural resources on a form prescribed by rule of the director for the director's review and approval. The application form shall state that such submitted plans are not required to include detailed engineering specifications and calculations. 692  
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(4) At the time of submitting the plans and survey, provide written notice of the application for the construction 698  
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to any adjacent property owners; 700

(5) Pay a nonrefundable fee, as prescribed by the director 701  
in rules, not to exceed twenty-five dollars. 702

(D) (1) The director shall approve, approve with 703  
modifications, or deny a permit under this section not later 704  
than thirty days following submission of the completed 705  
application. 706

(2) The director shall approve a permit without 707  
modification if the proposed construction of the coastal 708  
structure or the coastal restoration is consistent with the 709  
design guidelines and examples in the Ohio Coastal Design 710  
Manual. 711

(E) The director may deny an application if the proposed 712  
coastal structure or coastal restoration will do either of the 713  
following: 714

(1) Endanger life, health, or property; 715

(2) Prejudice the littoral rights of any owner of land 716  
fronting on Lake Erie without permission of that owner. 717

(F) An application is deemed approved if the director 718  
takes no action within thirty days following a littoral property 719  
owner's submission of a complete application. 720

(G) If the director requires an "as built" drawing 721  
following completion of the coastal structure or coastal 722  
restoration, a drawing prepared by the licensed contractor who 723  
constructed the coastal structure or performed the coastal 724  
restoration shall fully satisfy such requirement. The director 725  
shall not require any additional work on, or revisions to, the 726  
coastal structure or coastal restoration if the coastal 727

structure or coastal restoration, as shown by the "as built" 728  
drawing, is consistent with the design guidelines and examples 729  
in the Ohio Coastal Design Manual and the provisions of this 730  
division. Any additional work on, or revisions to, the coastal 731  
structure or coastal restoration required by the director for 732  
substantial noncompliance shall be the least-cost remedy 733  
available to the littoral property owner. 734

(H) (1) If requested in writing by the applicant within 735  
thirty days of the denial or conditional approval of an 736  
application, the director shall conduct an adjudication hearing 737  
under Chapter 119. of the Revised Code. Sections 119.12 and 738  
119.121 of the Revised Code do not apply to the adjudication 739  
hearing. 740

(2) After reviewing the record of the hearing, the 741  
director shall issue a final order approving the application, 742  
denying it, or approving it conditioned on the making of 743  
specified revisions in the plans and specifications, as 744  
applicable. 745

(I) The director may issue a temporary emergency permit 746  
under this section if the director determines it is necessary to 747  
safeguard life, health, or property. Following completion of the 748  
approved project, the director shall issue a permit to the 749  
property owner if the director determines that the completed 750  
project does not cause one of the harms in division (E) of this 751  
section. 752

(J) Within ninety days after the effective date of this 753  
section, the director shall adopt rules in accordance with 754  
Chapter 119. of the Revised Code, governing the permit 755  
applications and permit processes provided for in this section, 756  
and may amend such rules when necessary for the administration, 757

implementation, and enforcement of this section. 758

Sec. 1506.402. (A) Any person intending to commence 759  
construction of a coastal structure or perform coastal 760  
restoration not addressed in section 1506.401 of the Revised 761  
Code shall apply for a permit from the director of natural 762  
resources as provided in this section. 763

(B) An applicant for such a permit shall include all of 764  
the following in the application, as applicable: 765

(1) Detailed plans and specifications. The director may 766  
require such plans and specifications to be prepared by a 767  
professional engineer registered under Chapter 4733. of the 768  
Revised Code. However, the director shall not require such plans 769  
and specifications to be prepared by a professional engineer if 770  
the plans and specifications are for one of the following 771  
projects: floating or pile-supported docks for seasonal use, 772  
nature-based shorelines, beaches, dunes, wetlands, and 773  
associated uplands, and certain revetments as shall be defined 774  
by rules adopted by the director. 775

(2) Appropriate evidence that the proposed project will 776  
not present a risk of one or more of any of the following: 777

(a) Endangering life, health, or property; 778

(b) Prejudicing the littoral rights of any owner of land 779  
fronting on Lake Erie without permission of that owner; 780

(c) Destroying or greatly impairing public uses of 781  
navigation, water commerce, and fishing. 782

(3) Appropriate evidence of upland interest or littoral 783  
rights in the area where the coastal structure or coastal 784  
restoration is proposed; 785

(4) For a permit application for a coastal structure that 786  
will significantly impact littoral transport of sand and 787  
sediment, a sediment impact analysis and a long-term sand 788  
monitoring and bypassing plan, as prescribed by the director in 789  
rules; 790

(5) A nonrefundable application fee, as prescribed by the 791  
director in rules, which shall not exceed one hundred dollars. 792

(C) Upon the receipt of a complete application for a 793  
permit under this section, the director may provide public 794  
notice of the application by advertisement in a newspaper of 795  
general circulation within the locality where the project is 796  
proposed to be located. 797

(D) Within sixty days of receipt of a complete application 798  
under this division, the director shall approve a permit for the 799  
proposed construction of a coastal structure or performance of 800  
coastal restoration under this section if the director finds 801  
both of the following: 802

(1) The proposed project does not present a risk of one or 803  
more of the harms described in division (B) (2) of this section. 804

(2) The project design is consistent with the design 805  
guidelines and examples in the Ohio Coastal Design Manual. 806

(E) The director may hold public meetings or a public 807  
hearing on the application if either of the following applies: 808

(1) The director determines that the proposed project will 809  
cause one or more of the harms described in division (B) (2) of 810  
this section. 811

(2) An owner of littoral property adjacent to the 812  
applicant's property submits a written objection to the director 813

asserting that the proposed project will cause one or more of 814  
the harms described in division (B) (2) of this section. 815

(F) If a public hearing is to be held, the director shall 816  
provide public notice of the hearing once a week for four 817  
consecutive weeks prior to the date of the hearing in a manner 818  
determined appropriate by the director. 819

(G) All hearings shall be before the director and shall be 820  
open to the public. The director shall make a record of the 821  
hearing and shall pay the costs of the hearing, including any 822  
publication costs. Parties to the hearing are entitled to be 823  
heard and represented by counsel. 824

(H) Not later than fourteen days after the completion of 825  
the last hearing, the director shall make all findings and issue 826  
any order resulting from the hearing. Those findings and any 827  
order shall be in writing. 828

(I) If the director elects not to hold a public hearing, 829  
the director shall issue the director's findings and issue a 830  
written order approving, approving with conditions, or denying 831  
the application within sixty days after receipt of a complete 832  
application under this division. 833

(J) If an application for a permit is approved, the 834  
director shall issue a permit to the applicant authorizing 835  
construction of the coastal structure or performance of the 836  
coastal restoration. 837

(K) (1) Following approval of a permit application and the 838  
commencement of construction of a coastal structure or 839  
performance of a coastal restoration under this section, the 840  
director shall not require amendments or revisions to, or 841  
reconstruction or removal of, a project unless the director 842

shows, by clear and convincing evidence, either of the 843  
following: 844

(a) That such action is essential to prevent one or more 845  
of the harms described in division (B) (2) of this section; 846

(b) The "as built" project substantially deviates from the 847  
proposed design in a manner that is likely to endanger life, 848  
health, or property. 849

(2) Any remedial action required under division (K) (1) of 850  
this section shall be the least-cost remedy available to the 851  
littoral property owner. 852

(L) (1) If requested in writing by the applicant, within 853  
thirty days of issuance of a notice of disapproval or 854  
conditional approval of an application, the director shall 855  
conduct an adjudication hearing under Chapter 119. of the 856  
Revised Code. Sections 119.12 and 119.121 of the Revised Code do 857  
not apply to the adjudication hearing. 858

(2) After reviewing the record of the hearing, the 859  
director shall issue a final order approving the application, 860  
denying it, or approving it with conditions, as applicable. 861

(M) The director may issue a temporary emergency permit 862  
under this section if the director determines it is necessary to 863  
safeguard life, health, or property. Following completion of the 864  
approved project, the director shall issue a permit to the 865  
property owner if the director determines that the completed 866  
project does not cause one of the harms in division (B) (2) of 867  
this section. 868

(N) Within ninety days after the effective date of this 869  
section, the director shall adopt rules in accordance with 870  
Chapter 119. of the Revised Code, governing the permit 871

applications and permit processes provided for in this section, 872  
and may amend such rules when necessary for the administration, 873  
implementation, and enforcement of this section. 874

**Sec. 1506.403.** (A) For any permit issued under section 875  
1506.401 or 1506.402 of the Revised Code, the director of 876  
natural resources, by rule, may limit the period during which 877  
construction may be completed before the permit expires and may 878  
establish reapplication requirements governing a permit that 879  
expires before construction is completed. Once construction 880  
under a permit issued under section 1506.401 or 1506.402 of the 881  
Revised Code is completed, the permit is valid for the life of 882  
the coastal structure or coastal restoration. If there is a 883  
change in ownership of the coastal structure or coastal 884  
restoration, the permit automatically transfers to the new 885  
owner. 886

(B) A person, other than a utility or government, who owns 887  
a coastal structure or coastal restoration that was constructed 888  
subject to a submerged lands lease issued under section 1506.11 889  
of the Revised Code, as it was in effect prior to the effective 890  
date of this section, may do either of the following: 891

(1) Maintain the person's submerged lands lease and, if 892  
applicable, shore structure permit; 893

(2) Apply for a permit under section 1506.401 or 1506.402 894  
of the Revised Code, and, upon issuance thereof, surrender the 895  
submerged lands lease and, if applicable, shore structure 896  
permit. 897

(C) A permit holder may maintain or repair a coastal 898  
structure or coastal restoration without issuance of a new 899  
permit. However, a permit holder shall obtain a new or amended 900

permit prior to commencing any new construction or expansion of 901  
a coastal structure or coastal restoration. A littoral property 902  
owner that constructed a coastal structure or coastal 903  
restoration prior to the effective date of this section may 904  
apply to the director for issuance of a permit under section 905  
1506.401 or 1506.402 of the Revised Code. 906

(D) The director may order work to cease on any coastal 907  
structure or coastal restoration that commenced after the 908  
effective date of this section without or in violation of a 909  
permit. The director may order the removal or correction of any 910  
coastal structure or coastal restoration that was constructed 911  
after the effective date of this section without or in violation 912  
of a permit. Such an order may be appealed in accordance with 913  
Chapter 119. of the Revised Code. The property owner affected by 914  
such an order also may apply for a permit under section 1506.401 915  
or 1506.402 of the Revised Code, and the issuance of a permit by 916  
the director shall result in withdrawal of the order. 917

(E) The director may order the immediate correction or 918  
removal of any coastal structure, coastal restoration, or 919  
unconsolidated rubble or debris along or near the shore of Lake 920  
Erie or within the waters of Lake Erie that the director 921  
determines is endangering life, health, or property. An order of 922  
the director issued under this division is subject to appeal in 923  
accordance with Chapter 119. of the Revised Code. If the 924  
director determines that the coastal structure, coastal 925  
restoration, or unconsolidated rubble or debris is so 926  
threatening to life, health, or property as to not allow time 927  
for the issuance and enforcement of such an order, the director 928  
may immediately correct or remove that coastal structure, 929  
coastal restoration, or unconsolidated rubble or debris. 930

(F) The director or the director's duly authorized 931  
representative may, upon the notice prescribed in this section, 932  
enter at reasonable times during daylight hours upon any 933  
property to inspect any coastal structure or coastal restoration 934  
in order to determine if it complies with a permit issued under 935  
section 1506.401 or 1506.402 of the Revised Code and rules 936  
adopted under either section. If entry is prevented or hindered, 937  
the director or the director's authorized representative may 938  
apply for, and the court of common pleas having appropriate 939  
jurisdiction may issue, an appropriate inspection warrant 940  
necessary to achieve the purposes of section 1506.401 or 941  
1506.402 of the Revised Code. 942

Notice of the date and time of such proposed entry shall 943  
be given to the owner or the person in possession by such means 944  
as are reasonably available not less than forty-eight hours nor 945  
more than five days prior to the date of such entry. The 946  
director shall make restitution or reimbursement for any actual 947  
damage resulting to such lands, waters, and premises and to 948  
improvements or personal property located in, on, along, over, 949  
or under such lands, waters, and premises, as a result of such 950  
activities. If the parties are unable to agree upon restitution 951  
or other settlement, damages are recoverable by civil action to 952  
which the state hereby consents. 953

**Sec. 1506.41.** All moneys derived from the granting of 954  
permits and leases under section 1505.07 of the Revised Code for 955  
the removal of sand, gravel, stone, gas, oil, and other minerals 956  
and substances from and under the bed of Lake Erie and from 957  
applications for ~~shore structure~~ permits submitted under section 958  
~~1506.40~~ 1506.401 or 1506.402 of the Revised Code shall be paid 959  
into the state treasury to the credit of the permit and lease 960  
fund, which is hereby created. Notwithstanding any section of 961

the Revised Code relating to the distribution or crediting of 962  
fines for violations of the Revised Code, all fines imposed 963  
under division (A) of section 1505.99 of the Revised Code and 964  
under division (C) of section 1506.99 of the Revised Code shall 965  
be paid into that fund. The fund shall be administered by the 966  
department of natural resources for the protection of Lake Erie 967  
shores and waters; investigation and control of erosion; the 968  
planning, development, and construction of facilities for 969  
recreational use of Lake Erie; implementation of ~~section 1506.40~~ 970  
sections 1506.401 and 1506.402 of the Revised Code; preparation 971  
of the state shore erosion plan under section 1506.47 of the 972  
Revised Code; and state administration of Lake Erie coastal 973  
erosion areas under sections 1506.06 and 1506.07 of the Revised 974  
Code. 975

**Sec. 1506.44.** (A) A board of county commissioners may use 976  
a loan obtained under division (C) of this section to provide 977  
financial assistance to any person who owns real property in a 978  
coastal erosion area and who has received a permit under section 979  
~~1506.40~~1506.401 or 1506.402 of the Revised Code to construct an 980  
erosion control ~~structure~~measure in that coastal erosion area. 981  
The board shall enter into an agreement with the person that 982  
complies with all of the following requirements: 983

(1) The agreement shall identify the person's real 984  
property for which the erosion control ~~structure~~measure is 985  
being constructed and shall include a legal description of that 986  
property and a reference to the volume and page of the deed 987  
record in which the title of that person to that property is 988  
recorded. 989

(2) In accordance with rules adopted by the Ohio water 990  
development authority under division (V) of section 6121.04 of 991

the Revised Code for the purposes of division (C) of this 992  
section and pursuant to an agreement between the board and the 993  
authority under that division, the board shall agree to cause 994  
payments to be made by the authority to the contractor hired by 995  
the person to construct an erosion control ~~structure~~ measure in 996  
amounts not to exceed the total amount specified in the 997  
agreement between the board and the person. 998

(3) The person shall agree to pay to the board, or to the 999  
authority as the assignee pursuant to division (C) of this 1000  
section, the total amount of the payments plus administrative or 1001  
other costs of the board or the authority at times, in 1002  
installments, and bearing interest as specified in the 1003  
agreement. 1004

The agreement may contain additional provisions that the 1005  
board determines necessary to safeguard the interests of the 1006  
county or to comply with an agreement entered into under 1007  
division (C) of this section. 1008

(B) Upon entering into an agreement under division (A) of 1009  
this section, the board shall do all of the following: 1010

(1) Cause the agreement to be recorded in the county deed 1011  
records in the office of the county recorder of the county in 1012  
which the real property is situated. Failure to record the 1013  
agreement does not affect the validity of the agreement or the 1014  
collection of any amounts due under the agreement. 1015

(2) Establish by resolution an erosion control repayment 1016  
fund into which shall be deposited all amounts collected under 1017  
division (B) (3) of this section. Moneys in that fund shall be 1018  
used by the board for the repayment of the loan and for 1019  
administrative or other costs of the board or the authority as 1020

specified in an agreement entered into under division (C) of 1021  
this section. If the amount of money in the fund is inadequate 1022  
to repay the loan when due, the board of county commissioners, 1023  
by resolution, may advance money from any other fund in order to 1024  
repay the loan if that use of the money from the other fund is 1025  
not in conflict with law. If the board so advances money in 1026  
order to repay the loan, the board subsequently shall reimburse 1027  
each fund from which the board advances money with moneys from 1028  
the erosion control repayment fund. 1029

(3) Bill and collect all amounts when due under the 1030  
agreement entered into under division (A) of this section. The 1031  
board shall certify amounts not paid when due to the county 1032  
auditor, who shall enter the amounts on the real property tax 1033  
list and duplicate against the property identified under 1034  
division (A)(1) of this section. The amounts not paid when due 1035  
shall be a lien on that property from the date on which the 1036  
amounts are placed on the tax list and duplicate and shall be 1037  
collected in the same manner as other taxes. 1038

(C) A board may apply to the authority for a loan for the 1039  
purpose of entering into agreements under division (A) of this 1040  
section. The loan shall be for an amount and on the terms 1041  
established in an agreement between the board and the authority. 1042  
The board may assign any agreements entered into under division 1043  
(A) of this section to the authority in order to provide for the 1044  
repayment of the loan and may pledge any lawfully available 1045  
revenues to the repayment of the loan, provided that no moneys 1046  
raised by taxation shall be obligated or pledged by the board 1047  
for the repayment of the loan. Any agreement with the authority 1048  
pursuant to this division is not subject to Chapter 133. of the 1049  
Revised Code or any requirements or limitations established in 1050  
that chapter. 1051

(D) The authority, as assignee of any agreement pursuant 1052  
to division (C) of this section, may enforce and compel the 1053  
board and the county auditor by mandamus pursuant to Chapter 1054  
2731. of the Revised Code to comply with division (B) of this 1055  
section in a timely manner. 1056

(E) The construction of an erosion control ~~structure~~ 1057  
measure by a contractor hired by an individual homeowner, group 1058  
of individual homeowners, or homeowners association that enters 1059  
into an agreement with a board under division (A) of this 1060  
section is not a public improvement, as defined in section 1061  
4115.03 of the Revised Code, and is not subject to competitive 1062  
bidding or public bond laws. 1063

**Section 2.** That existing sections 1506.01, 1506.02, 1064  
1506.06, 1506.10, 1506.11, 1506.40, 1506.41, and 1506.44 of the 1065  
Revised Code are hereby repealed. 1066

**Section 3.** (A) As used in this section, "territory" has 1067  
the same meaning as in section 1506.10 of the Revised Code. 1068

(B) (1) Not later than one hundred twenty days after the 1069  
effective date of this section, the Director of Natural 1070  
Resources shall examine each lease entered into with the state 1071  
under section 1506.11 of the Revised Code, as it existed prior 1072  
to its amendment by this act, to determine whether all or part 1073  
of the land leased is not part of the territory. 1074

(2) Not later than one hundred eighty days after the 1075  
effective date of this section, the Director shall provide 1076  
notice by certified mail to all lessees of the following, as 1077  
applicable: 1078

(a) That the lessee may request the state to terminate or 1079  
modify the lessee's lease under division (C) of this section, as 1080

applicable, if all or part of the land leased is not part of the territory; 1081  
1082

(b) That the lessee may be required to apply for a permit under section 1506.401 or 1506.402 of the Revised Code; 1083  
1084

(c) That the lessee may take no action and remain under the terms of the lessee's current lease. 1085  
1086

(3) Such notice shall include the Director's opinion regarding whether all or part of the land leased is not part of the territory. 1087  
1088  
1089

(C) (1) The Director shall modify a lease to exclude lands that are not part of the territory if one of the following occurs: 1090  
1091  
1092

(a) The Director finds, as stated in the notice, that part of the lands for which the lease was entered into is not part of the territory and the lessee consents to modifying the lease; 1093  
1094  
1095

(b) The lessee provides documentation to the Director demonstrating that part of the lands for which the lease was entered into is not part of the territory. 1096  
1097  
1098

(2) The Director shall terminate a lease if one of the following occurs: 1099  
1100

(a) The Director finds, as stated in the notice, that all of the lands for which the lease was entered into are not part of the territory and the lessee consents to terminating the lease; 1101  
1102  
1103  
1104

(b) The lessee provides documentation to the Director demonstrating that all of the lands for which the lease was entered into is not part of the territory. 1105  
1106  
1107

(3) All leases modified or terminated in accordance with 1108  
this division shall be modified or terminated as of May 21, 1109  
2015. The Director shall return any rentals collected from May 1110  
21, 2015, to the effective date of this section under any lease 1111  
terminated or modified under this division to the persons who 1112  
were the lessees under the lease during that time period and 1113  
prorate the rentals accordingly. 1114

(D) Any lease modified under division (C) of this section 1115  
is valid and continues in full force and effect. If, under 1116  
division (C) of this section, a lessee does not take action to 1117  
terminate a lease and the Director does not terminate the lease, 1118  
the lease is valid and continues in full force and effect. 1119

(E) Division (C) of this section is intended to apply 1120  
retroactively to the extent specified in that division. Division 1121  
(C) of this section is remedial in nature to remedy the boundary 1122  
dispute identified in *State ex rel. Merrill v. Ohio Dept. of* 1123  
*Natural Resources*, 130 Ohio St.3d 30, 2011-Ohio-4612. 1124

(F) Any permit that was issued under section 1506.40 of 1125  
the Revised Code or any equivalent permit issued under Chapter 1126  
1506. of the Revised Code prior to the effective date of this 1127  
section remains in effect. 1128