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Sponsor Testimony, Senate Bill 313
Senate Agriculture and Natural Resources Committee
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Chairman Schaffer, Vice Chair Huffman, Ranking Member Fedor, and Members of the Senate Agriculture and Natural Resources Committee, thank you for having us here today to testify on Senate Bill 313, amending the Ohio Coastal Management Act.

Both of our Senate districts are along Lake Erie, which is one of Ohio's amazing natural resources. Our constituents and coastal property owners would agree. This legislation, which came to us from the Ohio Department of Natural Resources, is aimed at helping residential, commercial, and government coastal property owners when it comes to the regulations for their structures on the Lake while protecting one of our state's most precious gems.

To ensure protection of Lake Erie, the State currently has a lease and permit system for all improvements along and in the Lake. Under current law:

- A shore structure permit is required to construct any structures that may affect erosion, wave action, or flooding along or near the shoreline.
- In addition, a submerged lands lease, which has to be entered into with the state and requires an annual lease rental payment, is also required for the footprint of improvements lakeward of Lake Erie's natural shoreline.
- A coastal property owner, (including residential) must have both a lease and a permit in order to build a structure and/or make improvements to current structures.

Unfortunately, common issues arise as a result of the current lease/permit structure. For instance:

- Under the existing statute, a lease is required for all improvements located lakeward of the "natural shoreline" of Lake Erie. However, there have been disagreements between Lake Erie coastal property owners and the State of Ohio over the location and definition of the natural shoreline. In 2011, the Ohio Supreme Court reaffirmed court decisions dating back to 1878 and legislation enacted in 1917 by holding that the territory of the lake over which the state holds a public trust, "*extends to the natural shoreline, which is the line at which the water usually stands when free from disturbing causes.*" This definition can be interpreted a number of ways, and with the natural shoreline constantly

moving due changing Lake Erie water levels, it can be difficult to determine with certainty.

- For those with Submerged Land Leases, annual lease rental payments are required and are based on the area of the lakebed that is occupied and the proposed use. For residential and non-income producing properties, this places an additional financial burden on those property owners attempting to simply access the Lake from their homes or protect their property from coastal erosion or flooding.
- All projects applying for a shore structure permit require a registered professional engineer to prepare plans and specifications. This requirement results in a large workload for engineers, and can result in slowing down permit and lease processing times. Many projects that apply for the permit do not endanger life, property, or the resources of Lake Erie, and do not necessarily need registered professional engineers to design these projects.

Senate Bill 313 will make several changes to streamline and simplify Ohio’s submerged land leasing and structure permitting. Under Senate Bill 313:

- A coastal permit will be required for the construction of a new coastal structure or to perform future coastal restoration.
- It will not require the boundary of Lake Erie’s natural shoreline to be determined, which will eliminate the need for a metes and bound survey and the cost of such a survey for residential property owners.
- Moreover, there will be a one-time permit fee for the coastal permit, as opposed to the traditional annual lease fee required under current law.
- The permit system will be tiered and application requirements will take into account the likelihood of the structure or restoration to endanger life, property, or the resources of Lake Erie.

This tiered system breaks down as follows:

Tier	Requirements	Examples	Engineering requirements
Tier 1	required for projects that are unlikely to endanger life, health, property, or the resources of Lake Erie	floating docks, nature-based shorelines, beaches and wetlands	will not require plans and specifications prepared by a registered professional engineer
Tier 2	required for projects that could endanger life, health, property, or the resources of Lake Erie	revetments, seawalls and certain piers	require plans and specifications prepared by a registered professional engineer
Tier 3	required for projects that could significantly endanger life, health, property, or the resources of Lake Erie	groins, breakwaters, and marinas	require plans and specifications prepared by a registered professional engineer and additional studies needed to evaluate the coastal structure or restoration

These coastal permits would be issued to the property owner. Should ownership of the structure or restoration change, the permit would transfer to the new owner upon a simple notice to ODNR.

A grandfather clause is also included in the bill for existing shore structures as long as they do not pose a threat to public health and safety. Only if the existing structure is modified or rehabilitated, would it have to be permitted through ODNR.

SB 313 still requires a submerged lands lease for commercial or governmental development lakeward of the natural shoreline. But residential leases will no longer be required; as such, any current lessees of residential leases will be able to terminate or modify these leases should they choose.

The changes in Senate Bill 313 will simplify the coastal regulatory processes and reduce regulatory burdens on our coastal property owners, leading to a substantial reduction in permit and lease processing times for our constituents as well as for ODNR. Notably, these changes will still ensure that we manage and protect our coastal resources. The more efficient we can make these processes for our coastal property owners while preserving and protecting Lake Erie, the better.

Again, this bill came to us from ODNR, which has a staff who has worked tirelessly to get this bill to where it is today. We are lucky to have members of this team here this afternoon should there be any complex questions.

Chairman, thank you again for the opportunity to testify on Senate Bill 313 and to discuss the good it will accomplish for our constituents.