

As Reported by the House Energy and Natural Resources Committee

135th General Assembly

Regular Session

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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

Representative Hall

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, 1547.68, 1547.73, 1547.75, 3
1547.81, 1547.82, 1547.83, 1547.84, 1547.85, 4
1547.86, 3714.03, and 4501.24; 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); and to enact section 5.2321 10
of the Revised Code to revise the law governing 11
the designation of wild, scenic, and 12
recreational rivers and to revise boating law to 13
encourage boating safety. 14

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

Section 1. That sections 505.82, 1514.10, 1517.01, 15
1517.02, 1517.021, 1517.11, 1531.04, 1546.01, 1546.02, 1546.04, 16

1547.68, 1547.73, 1547.75, 1547.81, 1547.82, 1547.83, 1547.84, 17
1547.85, 1547.86, 3714.03, and 4501.24 be amended; sections 18
1547.81 (1517.14), 1547.82 (1517.15), 1547.83 (1517.16), 1547.84 19
(1517.17), 1547.85 (1517.18), and 1547.86 (1517.19) be amended 20
for the purpose of adopting new section numbers as indicated in 21
parentheses; and section 5.2321 of the Revised Code be enacted 22
to read as follows: 23

Sec. 5.2321. The month of April is designated as 24
"Powerboat Safety Month" to emphasize the dangers of carbon 25
monoxide poisoning that can occur on a powerboat. During the 26
month of April, or more often as determined by the director of 27
natural resources, the department of natural resources shall 28
disseminate information to the public about all of the 29
following: 30

(A) Carbon monoxide is colorless, odorless, and deadly. 31

(B) Gasoline-powered engines on boats, including onboard 32
generators, produce carbon monoxide, which may poison or kill a 33
person who breathes in too much of it. 34

(C) Symptoms of carbon monoxide poisoning are flu-like, so 35
they often go unheeded until it is too late. 36

(D) It is advised that a powerboat owner install and 37
maintain a working carbon monoxide detector on the owner's boat. 38

(E) A powerboat owner should keep carbon monoxide from 39
accumulating at deadly concentrations and make sure that outlets 40
are never blocked. 41

(F) A powerboat owner should always dock, beach, or anchor 42
at least twenty feet from the nearest boat that is running a 43
generator or engine. 44

(G) Open air boating may reduce, but does not eliminate, 45
the risk of carbon monoxide poisoning and death. 46

Sec. 505.82. (A) If a board of township trustees by a 47
unanimous vote or, in the event of the unavoidable absence of 48
one trustee, by an affirmative vote of two trustees adopts a 49
resolution declaring that an emergency exists that threatens 50
life or property within the unincorporated territory of the 51
township or that such an emergency is imminent, the board may 52
exercise the powers described in divisions (A) (1) and (2) and 53
(B) of this section during the emergency for a period of time 54
not exceeding six months following the adoption of the 55
resolution. The resolution shall state the specific time period 56
for which the emergency powers are in effect. 57

(1) If an owner of an undedicated road or stream bank in 58
the unincorporated territory of the township has not provided 59
for the removal of snow, ice, debris, or other obstructions from 60
the road or bank, the board may provide for that removal. Prior 61
to providing for the removal, the board shall give, or make a 62
good faith attempt to give, oral notice to the owner or owners 63
of the road or bank of the board's intent to clear the road or 64
bank and to impose a service charge for doing so. The board 65
shall establish just and equitable service charges for the 66
removal to be paid, except as provided in division (B) of this 67
section, by the owners of the road or bank. 68

The board shall keep a record of the costs incurred by the 69
township in removing snow, ice, debris, or other obstructions 70
from the road or bank. The service charges shall be based on 71
these costs and shall be in an amount sufficient to recover 72
these costs. If there is more than one owner of the road or 73
bank, the board, except as provided in division (B) of this 74

section, shall allocate the service charges among the owners on 75
an equitable basis. The board shall notify, in writing, each 76
owner of the road or bank of the amount of the service charges 77
and shall certify the charges to the county auditor. The service 78
charges shall constitute a lien upon the property. The auditor 79
shall place the service charges on a special duplicate to be 80
collected as other taxes and returned to the township general 81
fund. 82

(2) The board may contract for the immediate acquisition, 83
replacement, or repair of equipment needed for the emergency 84
situation, without following the competitive bidding 85
requirements of section 5549.21 or any other section of the 86
Revised Code. 87

(B) In lieu of collecting service charges from owners for 88
the removal of snow or ice from an undedicated road by the board 89
of township trustees as provided in division (A)(1) of this 90
section, the board may enter into a contract with a developer 91
whereby the developer agrees to pay the service charges for the 92
snow and ice removal instead of the owners. 93

(C) The removal of snow, ice, debris, or other 94
obstructions from an undedicated road by a board of township 95
trustees acting pursuant to a resolution adopted under division 96
(A) of this section does not constitute approval or acceptance 97
of the undedicated road. 98

(D) As used in this section, "undedicated road" means a 99
road that has not been approved and accepted by the board of 100
county commissioners and is not a part of the state, county, or 101
township road systems as provided in section 5535.01 of the 102
Revised Code. 103

(E) Nothing in this section shall be construed to waive 104
the requirement under section ~~1547.82~~1517.15 of the Revised 105
Code that approval of plans be obtained from the director of 106
natural resources or the director's representative prior to 107
modifying or causing the modification of the channel of any 108
watercourse ~~in that is~~ a wild, scenic, or recreational river 109
~~area~~ outside the limits of a municipal corporation. 110

Sec. 1514.10. No person shall: 111

(A) (1) Engage in surface mining without a permit; 112

(2) Engage in in-stream mining or conduct an in-stream 113
mining operation without an in-stream mining permit issued by 114
the chief of the division of mineral resources management. A 115
person who, on March 15, 2002, holds a valid permit to conduct 116
in-stream mining that is issued under section 10 of the "Rivers 117
and Harbors Appropriation Act of 1899," 30 Stat. 1151, 33 U.S.C. 118
403, as amended, shall not be required to obtain an in-stream 119
mining permit from the chief under this chapter until the 120
existing permit expires. 121

(B) Exceed the limits of a surface or in-stream mining 122
permit or amendment to a permit by mining land contiguous to an 123
area of land affected under a permit or amendment, which 124
contiguous land is not under a permit or amendment; 125

(C) Purposely misrepresent or omit any material fact in an 126
application for a surface or in-stream mining permit or 127
amendment, an annual or final report, or any hearing or 128
investigation conducted by the chief or the reclamation 129
commission; 130

(D) Fail to perform any measure set forth in the approved 131
plan of mining and reclamation that is necessary to prevent 132

damage to adjoining property or to achieve a performance 133
standard required in division (A) (10) of section 1514.02 of the 134
Revised Code, or violate any other requirement of this chapter, 135
a rule adopted thereunder, or an order of the chief; 136

(E) Conduct surface excavations of minerals within any of 137
the following: 138

(1) One hundred twenty feet horizontal distance outward 139
from the highwater mark on each bank of ~~an area~~ a watercourse 140
designated as a wild, scenic, or recreational river ~~area~~ under 141
sections ~~1547.81 to 1547.86~~ 1517.14 to 1517.19 of the Revised 142
Code or of a portion of a ~~river~~ watercourse designated as a 143
component of the national wild and scenic river system under the 144
"Wild and Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 145
1274, as amended; 146

(2) Seventy-five feet horizontal distance outward from the 147
highwater mark on each bank of a watercourse that drains a 148
surface area of more than one hundred square miles; 149

(3) Fifty feet horizontal distance outward from the 150
highwater mark on each bank of a watercourse that drains a 151
surface area of more than twenty-five square miles, but fewer 152
than one hundred square miles unless a variance is obtained 153
under rules adopted by the chief. 154

(F) Conduct any surface mining activity within any of the 155
following: 156

(1) Seventy-five feet horizontal distance outward from the 157
highwater mark on each bank of ~~an area~~ a watercourse designated 158
as a wild, scenic, or recreational river ~~area~~ under sections 159
~~1547.81 to 1547.86~~ 1517.14 to 1517.19 of the Revised Code or of 160
a portion of a ~~river~~ watercourse designated as a component of 161

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. 220

(C) "Recreational river" means a watercourse declared a 221
recreational river by the director of natural resources under 222
section 1517.14 of the Revised Code and includes those 223
watercourses or sections of watercourses that are readily 224
accessible by road or railroad, that may have some development 225
along their shorelines, and that may have undergone some 226
impoundment or diversion in the past. 227

(D) "Scenic river" means a watercourse or a section of 228
watercourse declared a scenic river by the director under 229
section 1517.14 of the Revised Code to which both of the 230
following apply: 231

(1) It is free of impoundments constructed by humans for 232
at least seventy-five per cent of the length of the watercourse 233
or section of the watercourse or it is combined with another 234
section of a watercourse that has been designated a wild river. 235

(2) It has shorelines or watersheds that are largely 236
primitive and undeveloped, but accessible in places by roads. 237

(E) "Scenic river lands" means any area of land or water 238
within a wild, scenic, or recreational river watershed that is 239
owned by the department of natural resources and administered by 240
the division of natural areas and preserves for the purpose of 241
protecting the natural character and water quality of a wild, 242
scenic, or recreational river. 243

(F) "Watercourse" means a substantially natural channel 244
that is at least five miles in length with recognized banks and 245
a bottom in which the flow of water occurs. 246

(G) "Wild river" means a watercourse declared a wild river 247
by the director under section 1517.14 of the Revised Code and 248

includes those watercourses or sections of watercourses that are 249
free of impoundments constructed by humans and generally 250
inaccessible except by trail, with watersheds or shorelines 251
essentially primitive and waters unpolluted, representing 252
vestiges of primitive America. 253

Sec. 1517.02. (A) There is hereby created in the 254
department of natural resources the division of natural areas 255
and preserves, which shall be administered by the chief of the 256
division of natural areas and preserves. The chief shall take an 257
oath of office and shall file in the office of the secretary of 258
state a bond signed by the chief and by a surety approved by the 259
governor for a sum fixed pursuant to section 121.11 of the 260
Revised Code. 261

(B) The chief shall administer a system of nature 262
preserves. The chief shall establish a system of nature 263
preserves through acquisition and dedication of natural areas of 264
state or national significance, which shall include, but not be 265
limited to, areas that represent characteristic examples of 266
Ohio's natural landscape types and its natural vegetation and 267
geological history. The chief shall encourage landowners to 268
dedicate areas of unusual significance as nature preserves, and 269
shall establish and maintain a registry of natural areas of 270
unusual significance. 271

(C) The chief shall administer a system of wild, scenic, 272
and recreational rivers. The chief ~~may~~ shall supervise, operate, 273
protect, and maintain wild, scenic, and recreational rivers, as 274
designated by the director of natural resources; with the 275
approval of the director of natural resources, cooperate with 276
federal agencies administering any federal program concerning 277
wild, scenic, or recreational river systems; and participate in 278

watershed planning activities with other states, <u>local or</u>	279
federal agencies, <u>or other state agencies.</u>	280
<u>(D) The chief shall do the following:</u>	281
(A) <u>(1) Formulate policies and plans for the acquisition,</u>	282
use, management, and protection of nature preserves;	283
(B) <u>(2) Formulate policies for the selection of <u>natural</u></u>	284
<u>areas of unusual significance suitable for registration;</u>	285
(C) <u>(3) Formulate policies for the dedication of areas as</u>	286
nature preserves;	287
(D) <u>(4) Formulate policies for the declaration of wild,</u>	288
<u>scenic, and recreational rivers;</u>	289
<u>(5) Prepare and maintain surveys and inventories of <u>wild,</u></u>	290
<u>scenic, and recreational rivers and natural areas, and assist</u>	291
<u>the division of wildlife in preparing and maintaining surveys</u>	292
<u>and inventories of rare and endangered species of plants and</u>	293
animals, and other unique natural features. The information	294
shall be entered in the Ohio natural heritage database,	295
established under section 1531.04 of the Revised Code.	296
(E) <u>(6) Adopt rules for the in accordance with Chapter</u>	297
<u>119. of the Revised Code establishing all of the following:</u>	298
<u>(a) Requirements governing the use, visitation, and</u>	299
protection of nature preserves and natural areas owned or	300
managed through easement, license, or lease by the department	301
and administered by the division in accordance with Chapter 119.	302
of the Revised Code;	303
(F) <u>(b) Requirements governing the use, visitation, and</u>	304
<u>protection of scenic river lands and of publicly owned lands</u>	305
<u>that are administered by the division that are within the</u>	306

<u>watersheds of wild, scenic, and recreational rivers;</u>	307
<u>(c) Fees and charges for conducting stream impact reviews</u>	308
<u>of any planned or proposed construction, modification,</u>	309
<u>renovation, or development project that is subject to approval</u>	310
<u>under section 1517.15 of the Revised Code and may potentially</u>	311
<u>impact a designated wild, scenic, or recreational river. Such</u>	312
<u>fees and charges shall be credited to the natural areas and</u>	313
<u>preserves fund created in section 1517.11 of the Revised Code.</u>	314
<u>(7) Provide facilities and improvements within the state</u>	315
<u>system of nature preserves, wild, scenic, and recreational</u>	316
<u>ivers, scenic river lands, and publicly owned lands that are</u>	317
<u>administered by the division and are within the watersheds of</u>	318
<u>those rivers</u> that are necessary for their visitation, use,	319
restoration, and protection and do not impair their natural	320
character;	321
(G) <u>(8) Provide interpretive programs and publish and</u>	322
<u>disseminate information pertaining to nature preserves and</u>	323
<u>natural areas, scenic river lands, and publicly owned lands that</u>	324
<u>are administered by the division and are within the watersheds</u>	325
<u>of wild, scenic, and recreational rivers</u> for their visitation	326
and use;	327
(H) <u>(9) Conduct and grant permits to qualified persons for</u>	328
<u>the conduct of scientific research and investigations within</u>	329
<u>nature preserves, wild, scenic, and recreational rivers, scenic</u>	330
<u>river lands, and publicly owned lands that are administered by</u>	331
<u>the division and are within the watersheds of those rivers;</u>	332
(I) <u>(10) Establish an appropriate system for marking</u>	333
<u>nature preserves, wild, scenic, and recreational rivers, scenic</u>	334
<u>river lands, and publicly owned lands that are administered by</u>	335

<u>the division and are within the watersheds of those rivers;</u>	336
<u>(J) (11) Provide wild, scenic, and recreational river conservation education;</u>	337
<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>	339
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<u>(13) Publish and submit to the governor and the general assembly a biennial report of the;</u>	344
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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>	346
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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>	349
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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>	352
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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.	359
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Sec. 1517.11. There is hereby created in the state treasury the natural areas and preserves fund, which shall	362
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consist of moneys transferred into it under section 5747.113 of 364
the Revised Code and of contributions made directly to it. Any 365
person may contribute directly to the fund in addition to or 366
independently of the income tax refund contribution system 367
established in that section. 368

Moneys in the fund shall be disbursed pursuant to vouchers 369
approved by the director of natural resources for use by the 370
division of natural areas and preserves solely for the following 371
purposes: 372

(A) The acquisition of new or expanded natural areas and 373
nature preserves and scenic river lands; 374

(B) Facility development in natural areas and nature 375
preserves and scenic river lands; 376

(C) Special projects, including, but not limited to, 377
biological inventories, research grants, and the production of 378
interpretive material related to natural areas and nature 379
preserves and scenic river lands; 380

(D) Routine maintenance for health and safety purposes. 381

Money in the fund also may be used for the purposes of 382
administering a system of wild, scenic, and recreational rivers, 383
scenic river lands, and facilities or improvements associated 384
with such rivers and lands. 385

Moneys appropriated from the fund shall not be used to 386
fund salaries of permanent employees or administrative costs. 387

All investment earnings of the fund shall be credited to 388
the fund. 389

Sec. ~~1547.81~~ 1517.14. (A) The director of natural 390
resources ~~or the director's representative~~ may create 7 wild, 391

scenic, and recreational rivers. The chief of the division of 392
natural areas and preserves shall supervise, operate, protect, 393
and maintain wild, scenic, and recreational ~~river areas~~rivers so 394
created. In creating wild, scenic, and recreational ~~river-~~ 395
~~areas~~rivers, the director shall classify each such ~~area-~~ 396
watercourse as either a wild river-~~area~~, a scenic river-~~area~~, or 397
a recreational river-~~area~~. The ~~director or the director's-~~ 398
~~representative~~chief may prepare and maintain a plan for the 399
establishment, development, use, and administration of those 400
~~areas~~rivers as a part of the comprehensive state plans for 401
water management and outdoor recreation. The ~~director or the-~~ 402
~~director's representative~~chief, with the approval of the 403
director, may cooperate with federal agencies administering any 404
federal program concerning wild, scenic, or recreational river 405
~~areassystems.~~ 406

(B) The director may propose ~~for establishment as to~~ 407
create a wild, scenic, or recreational river ~~area that consists~~ 408
of a part or parts of any watercourse in this state, ~~with-~~ 409
~~adjacent lands,~~ that in the director's judgment possesses water 410
conservation, scenic, fish, wildlife, historic, or outdoor 411
recreation values that should be preserved. ~~The area shall-~~ 412
~~include lands adjacent to the watercourse in sufficient width to-~~ 413
~~preserve, protect, and develop the natural character of the-~~ 414
~~watercourse, but shall not include any lands more than one-~~ 415
~~thousand feet from the normal waterlines of the watercourse-~~ 416
~~unless an additional width is necessary to preserve water-~~ 417
~~conservation, scenic, fish, wildlife, historic, or outdoor-~~ 418
~~recreation values.~~ 419

(C) (1) The director shall publish the intention to declare 420
~~an area a watercourse~~ a wild, scenic, or recreational river ~~area-~~ 421
at least once in a newspaper of general circulation in each 422

county, any part ~~of through which is within the area, and the~~ 423
watercourse flows. The director also shall send written notice 424
of the intention to the legislative authority of each county, 425
township, and municipal corporation and to each conservancy 426
district established under Chapter 6101. of the Revised Code, 427
any part ~~of through which is within the area~~ the watercourse 428
flows, and to the director of transportation, the director of 429
development, the director of administrative services, and the 430
director of environmental protection. The notices shall include 431
a copy of a map and description of the ~~area~~ watercourse to be 432
designated. 433

(2) The director of natural resources shall post the 434
intention to declare a watercourse a wild, scenic, or 435
recreational river on the division of natural areas and 436
preserves' web site on the date of the initial publication under 437
division (C) (1) of this section. 438

(3) Any person having an interest in the proposed 439
declaration may file written comments to the proposal within 440
sixty days of the last date of publication or dispatch of 441
written notice as required under division (C) (1) of this 442
section. The director shall post on the division's web site the 443
last date by which written comments may be filed. 444

(4) After ~~thirty-sixty~~ days from the last date of 445
publication or dispatch of written notice as required ~~in~~ under 446
division (C) (1) of this section, the director shall ~~may~~ enter a 447
declaration in the director's journal that the ~~area~~ watercourse 448
is a wild river ~~area~~, scenic river ~~area~~, or recreational river 449
~~area~~. When so entered, the ~~area~~ watercourse is a wild, scenic, 450
or recreational river ~~area~~, as applicable. The director, after 451
~~thirty-sixty~~ days' notice as prescribed in this section, may 452

terminate the status of ~~an area~~ a watercourse as a wild river 453
~~area~~, scenic river ~~area~~, or recreational river ~~area~~ by an entry 454
in the director's journal. 455

(D) Declaration by the director that an area is of a 456
watercourse as a wild, scenic, or recreational river area does 457
not ~~authorize~~ do either of the following: 458

(1) Affect private property rights or authorize the 459
director, chief of the division of natural areas and preserves, 460
or any governmental agency or political subdivision to restrict 461
the use of private land by the owner thereof or any person 462
~~acting under the landowner's authority adjacent to the river or~~ 463
to enter upon ~~the private land and does not expand;~~ 464

(2) Expand or abridge the regulatory authority of any 465
governmental agency or political subdivision over the ~~area~~ river. 466

(E) The director may enter into a lease or other agreement 467
~~with a political subdivision to administer all or part of a~~ 468
~~wild, scenic, or recreational river area and may acquire real~~ 469
property or any estate, right, or interest therein in order to 470
provide for the protection and public recreational use of a 471
wild, scenic, or recreational river ~~area~~. The director may enter 472
into a lease or other agreement with a political subdivision to 473
administer all or part of any publicly owned land that is 474
administered by the division and that is within the watershed of 475
a wild, scenic, or recreational river. 476

~~The chief of the division of parks and watercraft or the~~ 477
~~chief's representative may participate in watershed wide~~ 478
~~planning with federal, state, and local agencies in order to~~ 479
~~protect the values of wild, scenic, and recreational river~~ 480
~~areas.~~ 481

(F) A wild, scenic, or recreational river that was 482
declared as such by the director of natural resources under 483
Chapter 1547. of the Revised Code prior to the effective date of 484
this amendment retains its declaration as a wild, scenic, or 485
recreational river for purposes of sections 1517.14 to 1517.19 486
of the Revised Code on and after that date. 487

Sec. ~~1547.82~~ 1517.15. No state department, state agency, 488
or political subdivision shall build or enlarge any highway, 489
road, or structure or modify or cause the modification of the 490
channel of any watercourse within ~~a one thousand feet of a wild,~~ 491
~~scenic, or recreational river area~~ outside the limits of a 492
municipal corporation without first having obtained approval of 493
the plans for the highway, road, or structure or channel 494
modification from the director of natural resources or the 495
director's representative. The state department, state agency, 496
or political subdivision, with the approval of the director or 497
the director's representative, may so build, enlarge, or modify 498
beyond one thousand feet on publicly owned land if necessary to 499
preserve water conservation, scenic, fish, wildlife, historic, 500
or outdoor recreation values. The court of common pleas having 501
jurisdiction, upon petition by the director, shall enjoin work 502
on any highway, road, or structure or channel modification for 503
which such approval has not been obtained. 504

Sec. ~~1547.83~~ 1517.16. (A) The chief of the division of 505
~~parks and watercraft shall administer the state programs for~~ 506
~~wild river areas, scenic river areas, and recreational river~~ 507
~~areas. The chief natural areas and preserves may accept and~~ 508
administer state and federal financial assistance for the 509
maintenance, protection, and administration of wild, scenic, and 510
recreational ~~river areas~~ rivers and scenic river lands and for 511
construction of facilities ~~within those areas~~ on publicly owned 512

lands that are administered by the division and are within the 513
watersheds of those rivers. The 514

The chief, with the approval of the director of natural 515
resources, may expend for the purpose of administering the state 516
programs for wild, scenic, and recreational ~~river areas~~ rivers 517
money that is ~~appropriated~~. 518

(1) Appropriated by the general assembly for that purpose, 519
~~money that is in;~~ 520

(2) In the scenic rivers protection fund created in 521
section 4501.24 of the Revised Code, ~~and money that is in;~~ 522

(3) In the natural areas and preserves fund created in 523
section 1517.11 of the Revised Code; 524

(4) In the waterways safety fund created in section 525
1547.75 of the Revised Code, including money generated by the 526
waterways conservation assessment fee levied by sections 1547.54 527
and 1547.542 of the Revised Code, as determined to be necessary 528
by the division of parks and watercraft and the division of 529
natural areas and preserves not to exceed six hundred fifty 530
thousand dollars per fiscal year. ~~The chief may condition any~~ 531
~~expenditures, maintenance activities, or construction of~~ 532
~~facilities on the adoption and enforcement of adequate~~ 533
~~floodplain zoning or land use rules.~~ 534

(B) Any instrument by which real property is acquired 535
pursuant to this section shall identify the agency of the state 536
that has the use and benefit of the real property as specified 537
in section 5301.012 of the Revised Code. 538

~~The chief may cooperate with federal agencies~~ 539
~~administering any federal program concerning wild, scenic, or~~ 540
~~recreational river areas.~~ 541

(C) Notwithstanding any provision of this section to the 542
contrary, any expenditures made pursuant to this section shall 543
be made only on lands, or portions thereof, owned by the 544
department of natural resources and administered by the division 545
of natural areas and preserves or on other lands when agreed to, 546
in writing, by the owner of the lands within the watershed of 547
the wild, scenic, or recreational river, or portion thereof. 548

Sec. ~~1547.84~~ 1517.17. The chief of the division of natural 549
areas and preserves, with the approval of the director of 550
natural resources, shall appoint an advisory council for each 551
wild, scenic, or recreational river ~~area~~. Each advisory council 552
shall be composed of not more than ten persons who are 553
representative of local government and local organizations and 554
interests in the ~~vicinity of the~~ wild, scenic, or recreational 555
river ~~area, who~~ watershed. Each person shall serve without 556
compensation. ~~The chief of the division of watercraft or the~~ 557
chief's representative shall serve as an ex officio member of 558
each council. 559

The initial members appointed to each council shall serve 560
for terms of not more than three years, with the terms of not 561
more than four members of any council ending in the same year. 562
Thereafter, terms of office shall be for three years commencing 563
on the first day of February and ending on the last day of 564
January. 565

Each council shall advise the chief on the acquisition of 566
land and easements and on the lands and waters that should be 567
~~included~~ protected in a wild, scenic, or recreational river ~~area~~ 568
watershed or a proposed wild, scenic, or recreational river 569
~~area~~ watershed, facilities therein, and other aspects of 570
establishment and administration of the ~~area~~ wild, scenic, or 571

recreational river that may affect the local interest. 572

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. 573
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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. 579
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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. 591
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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: 599
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(A) Plan, develop, and institute programs and policies 601
based on the best available information, including biological 602
information derived from professionally accepted practices in 603
wildlife and fisheries management, with the approval of the 604
director of natural resources; 605

(B) Have and take the general care, protection, and 606
supervision of the wildlife in the state parks known as Lake St. 607
Marys, The Portage Lakes, Lake Loramie, Indian Lake, Buckeye 608
Lake, Guilford Lake, such part of Pymatuning reservoir as lies 609
in this state, and all other state parks and lands owned by the 610
state or in which it is interested or may acquire or become 611
interested, except lands and lakes the care and supervision of 612
which are vested in some other officer, body, board, 613
association, or organization; 614

(C) Enforce by proper legal action or proceeding the laws 615
of the state and division rules for the protection, 616
preservation, propagation, and management of wild animals and 617
sanctuaries and refuges for the propagation of those wild 618
animals, and adopt and carry into effect such measures as it 619
considers necessary in the performance of its duties; 620

(D) Promote, educate, and inform the citizens of the state 621
about conservation and the values of fishing, hunting, and 622
trapping, with the approval of the director; 623

(E) Prepare and maintain surveys and inventories of rare 624
and endangered species of plants and animals and other unique 625
natural features. The information shall be stored in the Ohio 626
natural heritage database, established pursuant to this 627
division, and may be made available to any individual or private 628
or public agency for research, educational, environmental, land 629
management, or other similar purposes that are not detrimental 630

to the conservation of a species or feature. The database shall 631
include information submitted under section 1517.02 of the 632
Revised Code. Information regarding sensitive site locations of 633
species that are listed pursuant to section 1518.01 of the 634
Revised Code and of unique natural features that are included in 635
the Ohio natural heritage database is not subject to section 636
149.43 of the Revised Code if the chief determines that the 637
release of the information could be detrimental to the 638
conservation of a species or unique natural feature. 639

Sec. 1546.01. As used in this chapter and Chapter 1547. of 640
the Revised Code: 641

"Canoe" means a paddlecraft that is normally an open, 642
narrow vessel of shallow draft, typically pointed at both ends 643
and propelled by its occupants through the use of paddles while 644
kneeling or sitting on a raised seat, including a flat-backed 645
canoe and a racing canoe. 646

"Coast guard approved" means bearing an approval number 647
assigned by the United States coast guard. 648

"Conditional approval" means a personal flotation device 649
approval that has one or more conditions with which the user 650
must comply in order for the device to be considered appropriate 651
for meeting the requirements for personal flotation devices for 652
the vessel on which it is being used. 653

"Diver's flag" means a red flag not less than one foot 654
square having a diagonal white stripe extending from the 655
masthead to the opposite lower corner that when displayed 656
indicates that divers are in the water. 657

"Drug of abuse" has the same meaning as in section 4506.01 658
of the Revised Code. 659

"Electronic" includes electrical, digital, magnetic, 660
optical, electromagnetic, or any other form of technology that 661
entails capabilities similar to these technologies. 662

"Electronic record" means a record generated, 663
communicated, received, or stored by electronic means for use in 664
an information system or for transmission from one information 665
system to another. 666

"Electronic signature" means a signature in electronic 667
form attached to or logically associated with an electronic 668
record. 669

"Idle speed" means the slowest possible speed needed to 670
maintain steerage or maneuverability. 671

"Impoundment" means the reservoir created by a dam or 672
other artificial barrier across a watercourse that causes water 673
to be stored deeper than and generally beyond the banks of the 674
natural channel of the watercourse during periods of normal 675
flow, but does not include water stored behind rock piles, rock 676
riffle dams, and low channel dams where the depth of water is 677
less than ten feet above the channel bottom and is essentially 678
confined within the banks of the natural channel during periods 679
of normal stream flow. 680

"Inflatable watercraft" means any vessel constructed of 681
rubber, canvas, or other material that is designed to be 682
inflated with any gaseous substance, constructed with two or 683
more air cells, and operated as a vessel. An inflatable 684
watercraft propelled by a motor is a powercraft. An inflatable 685
watercraft propelled by a sail is a sailboat. An inflatable 686
watercraft propelled by human muscular effort utilizing a paddle 687
or pole is a paddlecraft. An inflatable watercraft propelled by 688

human muscular effort utilizing an oar with the aid of a fulcrum 689
provided by oarlocks, tholepins, crutches, or similar 690
arrangements is a rowboat. 691

"In operation" in reference to a vessel means that the 692
vessel is being navigated or otherwise used on the waters in 693
this state. 694

"Kayak" means a paddlecraft that is typically pointed at 695
both ends and is propelled by human muscular effort by one or 696
more seated individuals who use a double-bladed paddle, 697
including an open kayak with an open deck for operator seating, 698
an enclosed kayak designed to enclose an occupant within a 699
cockpit, a tandem kayak designed for multiple occupants, and a 700
racing kayak. 701

"Law enforcement vessel" means any vessel used in law 702
enforcement or under the command of a law enforcement officer. 703

"Muffler" means an acoustical suppression device or system 704
that is designed and installed to abate the sound of exhaust 705
gases emitted from an internal combustion engine and that 706
prevents excessive or unusual noise. 707

"Navigable waters" means waters that come under the 708
jurisdiction of the department of the army of the United States 709
and any waterways within or adjacent to this state, except 710
inland lakes having neither a navigable inlet nor outlet. 711

"No wake" has the same meaning as "idle speed." 712

"Operator" includes any person who uses, navigates, 713
employs, or has under the person's control a vessel, or vessel 714
and detachable motor, on the waters in this state. 715

"Owner" includes any person, other than a secured party, 716

who claims lawful possession of a vessel by virtue of legal 717
title or equitable interest therein that entitled the person to 718
use or possess the vessel, including a person entitled to use or 719
possess a vessel subject to a security interest in another 720
person, but does not include a lessee under a lease not intended 721
as a security. 722

"Paddlecraft" means any type of canoe, kayak, paddleboard, 723
or other vessel powered only by its occupants using a single or 724
double-bladed paddle as a lever without the aid of a fulcrum 725
provided by oarlocks, tholepins, crutches, or similar 726
mechanisms. 727

"Performance type" means the in-water performance 728
classification of a personal flotation device as determined by 729
the United States coast guard. 730

"Person" includes any legal entity defined as a person in 731
section 1.59 of the Revised Code and any body politic, except 732
the United States and this state, and includes any agent, 733
trustee, executor, receiver, assignee, or other representative 734
thereof. 735

"Personal flotation device" means a United States coast 736
guard approved personal safety device designed to provide 737
buoyancy to support a person in the water. 738

"Personal watercraft" means a vessel, less than sixteen 739
feet in length, that is propelled by a water-jet pump or other 740
machinery and designed to be operated by an individual sitting, 741
standing, or kneeling on the vessel rather than by an individual 742
sitting or standing inside the vessel. 743

"Powercraft" means any vessel propelled by machinery, 744
fuel, rockets, or similar device. 745

~~"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.~~ 746
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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. 752
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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. 759
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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. 762
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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. 765
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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. 768
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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~~ 771
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~~largely undeveloped, but accessible in places by roads.~~ 775

"Sewage" means human body wastes and the wastes from 776
toilets and other receptacles intended to receive or retain body 777
waste. 778

"Throwable personal flotation device" means a device that 779
is intended to be thrown to a person in the water. "Throwable 780
personal flotation device" includes a personal flotation device 781
marked as "Type IV" or "Type V with Type IV performance." 782
"Throwable personal flotation device" does not include a 783
wearable personal flotation device unless it is specifically 784
marked otherwise. 785

"Towed watersport" means any activity that involves being 786
towed by or riding in the wake of a recreational vessel, 787
including both of the following: 788

(1) Riding or attempting to ride on one or more water 789
skis, a wakeboard, a surfboard, an inflatable device, or any 790
other device manufactured or used for the purpose of being towed 791
by a recreational vessel; 792

(2) Engaging or attempting to engage in barefoot skiing or 793
parasailing. 794

"Type one personal flotation device" means a device that 795
is designed to turn an unconscious person floating in water from 796
a face downward position to a vertical or slightly face upward 797
position and that has at least nine kilograms, approximately 798
twenty pounds, of buoyancy. 799

"Type two personal flotation device" means a device that 800
is designed to turn an unconscious person in the water from a 801
face downward position to a vertical or slightly face upward 802
position and that has at least seven kilograms, approximately 803

fifteen and four-tenths pounds, of buoyancy. 804

"Type three personal flotation device" means a device that 805
is designed to keep a conscious person in a vertical or slightly 806
face upward position and that has at least seven kilograms, 807
approximately fifteen and four-tenths pounds, of buoyancy. 808

"Type four personal flotation device" means a device that 809
is designed to be thrown to a person in the water and not worn 810
and that has at least seven and five-tenths kilograms, 811
approximately sixteen and five-tenths pounds, of buoyancy. 812

"Type five personal flotation device" means a device that, 813
unlike other personal flotation devices, has limitations on its 814
approval by the United States coast guard, including, without 815
limitation, any of the following: 816

(1) A designation that states the device is approved only 817
for use while participating in specific activities; 818

(2) A designation that states the device is approved only 819
for use by an operator or passenger of specific types of 820
vessels; 821

(3) A designation that states the device is specifically 822
approved as a substitute for the type of personal flotation 823
device required for use while engaged in certain activities or 824
as an operator or passenger of a vessel. 825

"Vessel" includes every description of craft, including 826
nondisplacement craft, multimodal craft, and submersibles, being 827
used or capable of being used as a means of transportation on 828
water. 829

"Visible" means visible on a dark night with clear 830
atmosphere. 831

"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;	858
	859
Class 2: At least twenty-six feet, but less than forty feet in length;	860
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Class 3: At least forty feet, but less than sixty-five feet in length;	862
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Class 4: At least sixty-five feet in length.	864
"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.	865
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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.	873
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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.	878
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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."	880
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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	884
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~~impoundments and generally inaccessible except by trail, with-~~ 887
~~watersheds or shorelines essentially primitive and waters-~~ 888
~~unpolluted, representing vestiges of primitive America.~~ 889

Sec. 1546.02. (A) There is hereby created in the 890
department of natural resources the division of parks and 891
watercraft. The division shall do all of the following: 892

(1) Administer and enforce all laws relative to the 893
identification, numbering, registration, titling, use, and 894
operation of vessels operated on the waters in this state; 895

(2) Promote, and educate and inform the citizens of the 896
state about, conservation, navigation, safety practices, and the 897
benefits of recreational boating; 898

(3) Provide for and assist in the development, 899
maintenance, and operation of marine recreational facilities, 900
docks, launching facilities, and harbors for the benefit of 901
public navigation, recreation, or commerce if the chief of the 902
division determines that they are in the best interests of the 903
state; 904

~~(4) Provide wild, scenic, and recreational river area-~~ 905
~~conservation education and provide for corridor protection,~~ 906
~~restoration, habitat enhancement, and clean-up projects in those-~~ 907
~~areas.~~ 908

~~(5)~~ Coordinate and plan trails in accordance with section 909
1519.03 of the Revised Code; 910

~~(6)~~ (5) Administer any state or federally funded grant 911
program that is related to natural resources and recreation as 912
considered necessary by the director of natural resources. 913

(B) The division shall create, supervise, operate, 914

protect, and maintain, and promote the use by the public of, a 915
system of state parks ~~and wild, scenic, and recreational river~~ 916
~~areas~~. As part of that responsibility, the division shall 917
control and manage all lands and waters dedicated and set apart 918
for state park purposes. The division shall do all of the 919
following regarding those lands and waters: 920

(1) Protect and maintain them; 921

(2) Make alterations and improvements; 922

(3) Construct and maintain dikes, wharves, landings, 923
docks, dams, and other works; 924

(4) Construct and maintain roads and drives in, around, 925
upon, and to the lands and waters to make them conveniently 926
accessible and useful to the public. 927

Sec. 1546.04. (A) Except as provided in this section, the 928
chief of the division of parks and watercraft, with the approval 929
of the director of natural resources, shall adopt rules in 930
accordance with Chapter 119. of the Revised Code that are 931
necessary for the proper management of state parks, bodies of 932
water, and the lands adjacent to them under its jurisdiction and 933
control, including rules: 934

(1) Governing opening and closing times and dates of state 935
parks; 936

(2) Establishing fees and charges for use of facilities in 937
state parks; 938

(3) Governing camps, camping, and fees for camps and 939
camping; 940

(4) Governing the application for and rental of, rental 941
fees for, and the use of cottages; 942

(5) Relating to public use of state park lands, and	943
governing the operation of motor vehicles, including speeds and	944
parking on those lands;	945
(6) Governing all advertising within state parks and	946
requirements for the operation of places selling tangible	947
personal property and food service sales on lands and waters	948
under the control of the division. The rules shall establish	949
uniform requirements for those operations and sales.	950
(7) Providing uniform standards relating to the size,	951
type, location, construction, and maintenance of structures and	952
devices used for fishing or moorage of watercraft, rowboats,	953
sailboats, and powercraft over waters under the control of the	954
division and establishing reasonable fees for the construction	955
of, and annual use permits for, those structures and devices;	956
(8) Governing state beaches, swimming, inflatable devices,	957
and fees for them;	958
(9) Governing the removal and disposition of any	959
watercraft, rowboat, sailboat, or powercraft left unattended for	960
more than seven days on any lands or waters under the control of	961
the division;	962
(10) Governing the establishment and collection of check	963
collection charges for checks that are returned to the division	964
or dishonored for any reason;	965
(11) Governing natural resources officers in all parks and	966
bodies of water and lands adjacent to those bodies under the	967
supervision and control of the division as are necessary to the	968
proper management of such parks and bodies of water.	969
(B) The chief shall adopt rules in accordance with Chapter	970
119. of the Revised Code establishing a discount program for all	971

persons who are issued a golden buckeye card under section 972
173.06 of the Revised Code. The discount program shall provide a 973
discount for all park services and rentals, but shall not 974
provide a discount for the purchase of merchandise. 975

(C) The chief, with the approval of the director of 976
natural resources, may adopt rules in accordance with Chapter 977
119. of the Revised Code that establish all of the following: 978

(1) Requirements governing the administration of state 979
parks; 980

(2) Requirements considered necessary by the chief to 981
supplement the identification, operation, titling, use, 982
registration, and numbering of watercraft or vessels as provided 983
in Chapters 1547. and 1548. of the Revised Code; 984

(3) Requirements governing the navigation of vessels on 985
waters in this state, including rules regarding steering and 986
sailing, the conduct of vessels in sight of one another or in 987
restricted visibility, lights and shapes of lights used on 988
vessels, and sound and light signals. As the chief considers 989
necessary, the chief shall ensure that those rules are 990
consistent with and equivalent to the regulations and 991
interpretive rulings governing inland waters adopted or issued 992
under the "Inland Navigational Rules Act of 1980," 94 Stat. 993
3415, 33 U.S.C. 151, 1604, 1605, 1608, 2001 to 2008, and 2071 to 994
2073. 995

~~(4) Requirements governing the use, visitation, 996
protection, and administration of wild, scenic, and recreational 997
river areas; 998~~

~~(5) Requirements and procedures governing vessel safety 999
inspection checkpoints, including procedures that comply with 1000~~

statutory and constitutional provisions governing searches and 1001
seizures by law enforcement officers; 1002

~~(6)~~ (5) Fees and charges for all of the following: 1003

(a) Boating skill development classes and other 1004
educational classes; 1005

(b) Law enforcement services provided at special events 1006
when the services are in addition to normal enforcement duties; 1007

(c) Inspections of vessels or motors conducted under 1008
Chapter 1547. or Chapter 1548. of the Revised Code; 1009

~~(d) The conducting of stream impact reviews of any planned 1010
or proposed construction, modification, renovation, or 1011
development project that may potentially impact a watercourse 1012
within a designated wild, scenic, or recreational river area. 1013~~

(D) The chief shall not adopt rules under this section 1014
establishing fees or charges for parking a motor vehicle in a 1015
state park or for admission to a state park. 1016

Sec. 1547.68. To assist political subdivisions, 1017
conservancy districts, state departments, or nonprofit 1018
organizations in establishing or participating in boating safety 1019
education programs, the division of parks and watercraft, with 1020
the approval of the director of natural resources, may expend 1021
moneys appropriated by the general assembly for those purposes 1022
and, additionally, moneys from the waterways safety fund 1023
established in section 1547.75 of the Revised Code determined to 1024
be necessary by the division, but not to exceed ten per cent of 1025
all moneys accruing to the fund. In no case shall a grant to any 1026
one political subdivision, conservancy district, state 1027
department, or nonprofit organization total more than ~~thirty-~~ 1028
sixty thousand dollars in a calendar year. Moneys so allocated 1029

may be used for personnel salaries and training, materials, 1030
supplies, equipment, and related expenses needed to conduct 1031
boating education programs. 1032

The division shall disburse the moneys as provided in this 1033
section in accordance with its determination of need in the 1034
enforcement of this chapter and rules or for the establishment 1035
of or participation in a boating safety education program. The 1036
division shall disburse moneys only on a cost share basis. A 1037
grantee shall provide at least twenty-five per cent of the total 1038
program cost and may do so with cash, in-kind services or 1039
contributions, or a combination. The cost share shall be 1040
allocated by a political subdivision, conservancy district, 1041
state department, or nonprofit organization for those purposes. 1042

Sec. 1547.73. There is hereby created in the division of 1043
parks and watercraft a waterways safety council composed of five 1044
members appointed by the governor with the advice and consent of 1045
the senate. Not more than three of such appointees shall belong 1046
to the same political party. Terms of office shall be for five 1047
years, commencing on the first day of February and ending on the 1048
thirty-first day of January. Each member shall hold office from 1049
the date of appointment until the end of the term for which the 1050
member was appointed. The chief of the division of parks and 1051
watercraft shall act as secretary of the council. In the event 1052
of the death, removal, resignation, or incapacity of a member of 1053
the council, the governor, with the advice and consent of the 1054
senate, shall appoint a successor to fill the unexpired term who 1055
shall hold office for the remainder of the term for which the 1056
member's predecessor was appointed. Any member shall continue in 1057
office subsequent to the expiration date of the member's term 1058
until the member's successor takes office, or until a period of 1059
sixty days has elapsed, whichever occurs first. The governor may 1060

remove any appointed member of the council for misfeasance, 1061
nonfeasance, or malfeasance in office. 1062

The council may: 1063

(A) Advise with and recommend to the chief as to plans and 1064
programs for the construction, maintenance, repair, and 1065
operation of refuge harbors and other projects for the 1066
harboring, mooring, docking, and storing of light draft vessels 1067
as provided in sections 1547.71 and 1547.72 of the Revised Code; 1068

(B) Advise with and recommend to the chief as to the 1069
methods of coordinating the shore erosion projects of the 1070
department of natural resources with the refuge of light draft 1071
vessel harbor projects; 1072

~~(C) Advise with and recommend to the chief as to plans and 1073
programs for the acquisition, protection, construction, 1074
maintenance, and administration of wild river areas, scenic 1075
river areas, and recreational river areas; 1076~~

~~(D) Consider and make recommendations upon any matter 1077
which is brought to its attention by any person or that the 1078
chief may submit to it; 1079~~

~~(E)-(D) Submit to the governor biennially recommendations 1080
for amendments to the laws of the state relative to refuge and 1081
light draft vessel harbor projects. 1082~~

Before entering upon the discharge of official duties, 1083
each member of the council shall take and subscribe to an oath 1084
of office, which oath, in writing, shall be filed in the office 1085
of the secretary of state. 1086

The members of the council shall serve without 1087
compensation, but shall be entitled to receive their actual and 1088

necessary expenses incurred in the performance of their official 1089
duties from the waterways safety fund as provided in section 1090
1547.75 of the Revised Code. 1091

The council shall, by a majority vote of all its members, 1092
adopt and amend bylaws. 1093

To be eligible for appointment as a member of the council, 1094
a person shall be a citizen of the United States and an elector 1095
of the state and possess a knowledge of and have an interest in 1096
small boat operations. 1097

The council shall hold at least four regular quarterly 1098
meetings each year. Special meetings shall be held at such times 1099
as the bylaws of the council provide, or at the behest of a 1100
majority of its members. Notices of all meetings shall be given 1101
in such manner as the bylaws provide. The council shall choose 1102
annually from among its members a chairperson to preside over 1103
its meetings. A majority of the members of the council shall 1104
constitute a quorum. No advice shall be given or recommendation 1105
made without a majority of the members of the council concurring 1106
therein. 1107

Sec. 1547.75. There is hereby created in the state 1108
treasury the waterways safety fund. The fund shall consist of 1109
money credited to it under this chapter and Chapters 1546. and 1110
1548. of the Revised Code. The fund shall be used for boating- 1111
related activities under those chapters and for purposes 1112
specified in section 1517.16 of the Revised Code. 1113

Sec. 3714.03. (A) As used in this section: 1114

(1) "Aquifer system" means one or more geologic units or 1115
formations that are wholly or partially saturated with water and 1116
are capable of storing, transmitting, and yielding significant 1117

amounts of water to wells or springs. 1118

(2) "Category 3 wetland" means a wetland that supports 1119
superior habitat or hydrological or recreational functions as 1120
determined by an appropriate wetland evaluation methodology 1121
acceptable to the director of environmental protection. 1122

"Category 3 wetland" includes a wetland with high levels of 1123
diversity, a high proportion of native species, and high 1124
functional values and includes, but is not limited to, a wetland 1125
that contains or provides habitat for threatened or endangered 1126
species. "Category 3 wetland" may include high quality forested 1127
wetlands, including old growth forested wetlands, mature 1128
forested riparian wetlands, vernal pools, bogs, fens, and 1129
wetlands that are scarce regionally. 1130

(3) "Natural area" means either of the following: 1131

(a) ~~An area~~ A watercourse designated by the director of 1132
natural resources as a wild, scenic, or recreational river under 1133
section ~~1547.81~~ 1517.14 of the Revised Code; 1134

(b) An area designated by the United States department of 1135
the interior as a national wild, scenic, or recreational river. 1136

(4) "Occupied dwelling" means a residential dwelling and 1137
also includes a place of worship as defined in section 5104.01 1138
of the Revised Code, a child care center as defined in that 1139
section, a hospital as defined in section 3727.01 of the Revised 1140
Code, a nursing home as defined in that section, a school, and a 1141
restaurant or other eating establishment. "Occupied dwelling" 1142
does not include a dwelling owned or controlled by the owner or 1143
operator of a construction and demolition debris facility to 1144
which the siting criteria established under this section are 1145
being applied. 1146

(5) "Residential dwelling" means a building used or 1147
intended to be used in whole or in part as a personal residence 1148
by the owner, part-time owner, or lessee of the building or any 1149
person authorized by the owner, part-time owner, or lessee to 1150
use the building as a personal residence. 1151

(B) Neither the director of environmental protection nor 1152
any board of health shall issue a permit to install under 1153
section 3714.051 of the Revised Code to establish a new 1154
construction and demolition debris facility when any portion of 1155
the facility is proposed to be located in either of the 1156
following locations: 1157

(1) Within the boundaries of a one-hundred-year flood 1158
plain, as those boundaries are shown on the applicable maps 1159
prepared under the "National Flood Insurance Act of 1968," 82 1160
Stat. 572, 42 U.S.C.A. 4001, as amended, unless the owner or 1161
operator has obtained an exemption from division (B)(1) of this 1162
section in accordance with section 3714.04 of the Revised Code. 1163
If no such maps have been prepared, the boundaries of a one- 1164
hundred-year flood plain shall be determined by the applicant 1165
for a permit based upon standard methodologies set forth in 1166
"urban hydrology for small watersheds" (soil conservation 1167
service technical release number 55) and section 4 of the 1168
"national engineering hydrology handbook" of the soil 1169
conservation service of the United States department of 1170
agriculture. 1171

(2) Within the boundaries of a sole source aquifer 1172
designated by the administrator of the United States 1173
environmental protection agency under the "Safe Drinking Water 1174
Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as amended. 1175

(C) Neither the director nor any board shall issue a 1176

permit to install under section 3714.051 of the Revised Code to 1177
establish a new construction and demolition debris facility when 1178
the horizontal limits of construction and demolition debris 1179
placement at the new facility are proposed to be located in any 1180
of the following locations: 1181

(1) Within one hundred feet of a perennial stream as 1182
defined by the United States geological survey seven and one- 1183
half minute quadrangle map or a category 3 wetland; 1184

(2) Within one hundred feet of the facility's property 1185
line; 1186

(3) (a) Except as provided in division (C) (3) (b) of this 1187
section, within five hundred feet of a residential or public 1188
water supply well. 1189

(b) Division (C) (3) (a) of this section does not apply to a 1190
residential well under any of the circumstances specified in 1191
divisions (C) (3) (b) (i) to (iii) of this section as follows: 1192

(i) The well is controlled by the owner or operator of the 1193
construction and demolition debris facility. 1194

(ii) The well is hydrologically separated from the 1195
horizontal limits of construction and demolition debris 1196
placement. 1197

(iii) The well is at least three hundred feet upgradient 1198
from the horizontal limits of construction and demolition debris 1199
placement and division (D) of this section does not prohibit the 1200
issuance of the permit to install. 1201

(4) Within five hundred feet of a park created or operated 1202
pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 1203
of the Revised Code, a state park established or dedicated under 1204

Chapter 1546. of the Revised Code, a state park purchase area 1205
established under section 1546.06 of the Revised Code, a 1206
national recreation area, any unit of the national park system, 1207
or any property that lies within the boundaries of a national 1208
park or recreation area, but that has not been acquired or is 1209
not administered by the secretary of the United States 1210
department of the interior, located in this state, or any area 1211
located in this state that is recommended by the secretary for 1212
study for potential inclusion in the national park system in 1213
accordance with "The Act of August 18, 1970," 84 Stat. 825, 16 1214
U.S.C.A. 1a-5, as amended; 1215

(5) Within five hundred feet of a natural area, any area 1216
established by the department of natural resources as a state 1217
wildlife area under Chapter 1531. of the Revised Code and rules 1218
adopted under it, any area that is formally dedicated as a 1219
nature preserve under section 1517.05 of the Revised Code, or 1220
any area designated by the United States department of the 1221
interior as a national wildlife refuge; 1222

(6) Within five hundred feet of a lake or reservoir of one 1223
acre or more that is hydrogeologically connected to ground 1224
water. For purposes of division (C)(6) of this section, a lake 1225
or reservoir does not include a body of water constructed and 1226
used for purposes of surface water drainage or sediment control. 1227

(7) Within five hundred feet of a state forest purchased 1228
or otherwise acquired under Chapter 1503. of the Revised Code; 1229

(8) Within five hundred feet of an occupied dwelling 1230
unless written permission is given by the owner of the dwelling. 1231

(D) Neither the director nor any board shall issue a 1232
permit to install under section 3714.051 of the Revised Code to 1233

establish a new construction and demolition debris facility when 1234
the limits of construction and demolition debris placement at 1235
the new facility are proposed to have an isolation distance of 1236
less than five feet from the uppermost aquifer system that 1237
consists of material that has a maximum hydraulic conductivity 1238
of 1×10^{-5} cm/sec and all of the geologic material comprising 1239
the isolation distance has a hydraulic conductivity equivalent 1240
to or less than 1×10^{-6} cm/sec. 1241

(E) Neither the director nor any board shall issue a 1242
permit to install under section 3714.051 of the Revised Code to 1243
establish a new construction and demolition debris facility when 1244
the road that is designated by the owner or operator as the main 1245
hauling road at the facility to and from the limits of 1246
construction and demolition debris placement is proposed to be 1247
located within five hundred feet of an occupied dwelling unless 1248
written permission is given by the owner of the occupied 1249
dwelling. 1250

(F) Neither the director nor any board shall issue a 1251
permit to install under section 3714.051 of the Revised Code to 1252
establish a new construction and demolition debris facility 1253
unless the new facility will have all of the following: 1254

(1) Access roads that shall be constructed in a manner 1255
that allows use in all weather conditions and will withstand the 1256
anticipated degree of use and minimize erosion and generation of 1257
dust; 1258

(2) Surface water drainage and sediment controls that are 1259
required by the director; 1260

(3) If the facility is proposed to be located in an area 1261
in which an applicable zoning resolution allows residential 1262

construction, vegetated earthen berms or an equivalent barrier 1263
with a minimum height of six feet separating the facility from 1264
adjoining property. 1265

(G) (1) The siting criteria established in this section 1266
shall be applied to an application for a permit to install at 1267
the time that the application is submitted to the director or a 1268
board of health, as applicable. Circumstances related to the 1269
siting criteria that change after the application is submitted 1270
shall not be considered in approving or disapproving the 1271
application. 1272

(2) The siting criteria established in this section by 1273
this amendment do not apply to an expansion of a construction 1274
and demolition debris facility that was in operation prior to 1275
December 22, 2005, onto property within the property boundaries 1276
identified in the application for the initial license for that 1277
facility or any subsequent license issued for that facility up 1278
to and including the license issued for that facility for 1279
calendar year 2005. The siting criteria established in this 1280
section prior to December 22, 2005, apply to such an expansion. 1281

Sec. 4501.24. There is hereby created in the state 1282
treasury the scenic rivers protection fund. The fund shall 1283
consist of the donations to the fund received by the department 1284
of natural resources under section 1517.02 of the Revised Code 1285
and the contributions not to exceed forty dollars that are paid 1286
to the registrar of motor vehicles by applicants who voluntarily 1287
choose to obtain scenic rivers license plates pursuant to 1288
section 4503.56 of the Revised Code. 1289

The donations and contributions deposited in the fund 1290
shall be used by the department to help finance ~~wild, scenic,~~ 1291
~~and recreational river areas~~ conservation, education, ~~corridor~~ 1292

protection, restoration, and habitat enhancement and clean-up 1293
projects ~~along within the watersheds of wild, scenic, and~~ 1294
~~recreational rivers in those areas.~~ The chief of the division of 1295
~~parks and watercraft in the department~~ natural areas and 1296
preserves may expend money in the fund for the acquisition of 1297
~~wild, scenic, and recreational river areas~~ lands, for the 1298
maintenance, protection, and administration of ~~such areas~~ wild, 1299
scenic, and recreational rivers, and for the construction of 1300
facilities within ~~those areas~~ scenic river lands and any other 1301
publicly owned lands that are administered by the division and 1302
are within the watersheds of those rivers. All investment 1303
earnings of the fund shall be credited to the fund. 1304

As used in this section, "~~wild river areas,~~" "scenic river 1305
lands," "~~scenic river areas,~~" and "~~recreational river areas~~" 1306
have the same meanings as in section ~~1546.01~~ 1517.01 of the 1307
Revised Code. 1308

Section 2. That existing sections 505.82, 1514.10, 1309
1517.01, 1517.02, 1517.021, 1517.11, 1531.04, 1546.01, 1546.02, 1310
1546.04, 1547.68, 1547.73, 1547.75, 1547.81, 1547.82, 1547.83, 1311
1547.84, 1547.85, 1547.86, 3714.03, and 4501.24 of the Revised 1312
Code are hereby repealed. 1313