



## OHIO COASTAL RESOURCES ADVISORY COUNCIL

David Spotts, Chair Tom Denbow, Vice Chair



*Mission: To advise the Director of ODNR on the Ohio Coastal Management Program and to promote, protect, enhance, and encourage the wise use of Lake Erie's coastal resources and its watershed.*

**August 26, 2011**

Director David Mustine  
Ohio Department Natural Resources  
2045 Morse Road, Bldg.D3  
Columbus, OH 43229-6693

Subject: H.B. 231 and New Legislation Requirements  
Great Lakes Compact

Dear Director Mustine:

The Great Lakes Compact established an important framework for long term sustainability of the Great Lakes including Lake Erie by establishing a rational process for managing water withdrawals to assure long term protection of the Great Lakes ecosystem. As you know, Ohio played an important leadership role in crafting the Compact and the Ohio Coastal Resources Advisory Council (the Council) indicated our support in a letter to Director Logan dated May 27, 2008. This support came after extensive review and discussion by the Council.

For the above reasons, the Council wishes to acknowledge our support for Governor Kasich's veto of H.B. 231 and to provide you with the Council's recommendations for revised legislation. While we support the flexibility that the Compact gave to each state in passing its regulations, the Council urges ODNR to support revised legislation that addresses the following important Compact components that were lacking in the recently vetoed legislation:

- **Tributary Watershed Withdrawals:** HB 231 defined the Source Watershed as the Lake Erie basin as a whole, essentially ignoring the tributary watersheds to Lake Erie. Therefore, the legislation would have resulted in higher daily thresholds for individual users that could have resulted in significant physical, chemical and biological impacts to specific tributary watersheds. The Council recommends that thresholds for users (withdrawal or consumptive) must protect high-quality rivers and streams and assure that daily thresholds for groundwater withdrawal do not significantly impact base flow of any high quality streams and rivers.
- **Cumulative Impacts:** HB 231 did not contain provisions to assess cumulative impacts of withdrawals over time from multiple users on the environment, the public and other commercial interests such as shipping and recreational boating. As it was written, the regulations would have allowed consumptive uses by multiple users that could have completely or largely dewatered many of the tributaries and ignored other interests. CRAC recommends that a cumulative assessment process be included in the revised legislation to determine impacts of withdrawals and consumptive uses on water dependent natural resources, aquatic life, commercial and the public as part of the permitting process.

- **Adaptive Management:** HB 231 limited ODNR's ability to take action with respect to a distressed waterbody (Lake Erie and tributaries) associated with withdrawals and consumptive uses and changing conditions with respect to climate and other Great Lakes management and restoration initiatives. We urge that the legislation consider an adaptive management approach by granting ODNR the authority to react to distress situations and also at some future point in time (say every 5 years), complete a comprehensive evaluation of the regulations to assess their effectiveness in meeting state of Ohio and Compact requirements. The reassessment needs to consider recent scientific studies, public welfare and other data/information at the time the Study is completed to assure that the regulations are meeting the requirements of the Compact.

On behalf of the Council, we want to express our appreciation for the opportunity to serve you and the ODNR and to provide you with our recommendations for preserving and protecting the coastal resources of the State of Ohio.

Very truly yours,



David M. Spotts, Chairman  
Ohio Coastal Resources Advisory Council

DMS/ks