OHIO COASTAL MANAGEMENT PROGRAM
POLICY 27 – FISHERIES MANAGEMENT

IT IS THE POLICY OF THE STATE OF OHIO TO ASSURE THE CONTINUAL ENJOYMENT OF THE BENEFITS RECEIVED FROM THE FISHERIES OF LAKE ERIE AND TO MAINTAIN AND IMPROVE THESE FISHERIES BY:

A. REGULATING THE TAKING OF FISH (O.R.C. 1531.08 AND O.A.C. 1501:31);

B. PROSECUTING PERSONS RESPONSIBLE FOR STREAM LITTER AND FOR WATER POLLUTION RESULTING IN FISH KILLS (O.R.C. 1531.29 AND 1531.02);

C. PROTECTING FISH HABITAT THROUGH OHIO EPA'S SECTION 401 WATER QUALITY CERTIFICATION AUTHORITY (O.R.C. 6111.03(O) AND 6111.03(P) AND O.A.C. 3745-1 AND 3745-32);

D. CONSIDERING THE PROTECTION OF FISH HABITAT THROUGH THE REVIEW OF STATE AND FEDERAL PERMIT APPLICATIONS;

E. ESTABLISHING STATE WILDLIFE AREAS FOR FISH AND WILDLIFE HABITAT (O.R.C. 1531.06);

F. SURVEYING FISH POPULATIONS AND TRENDS AND CONDUCTING OTHER FISHERY RESEARCH STUDIES;

G. PROVIDING ACCESS TO THE FISHERY; AND

H. PROVIDING TECHNICAL AND GENERAL INFORMATION ABOUT THE LAKE ERIE FISHERIES.

Authorities and Administration

A. The state holds title to and is mandated to protect all the fish in Ohio for the benefit of the public (O.R.C. 1531.02). The Chief of the Division of Wildlife (DOW), ODNR, has authority and control in all matters pertaining to the protection, preservation, propagation, possession and management of the state's fisheries. Pursuant to O.R.C. 1531.08, the chief may regulate the taking, possession, transportation, buying, selling, offering for sale and exposing for sale fish or any part thereof.

All orders of the DOW relating to establishment of seasons, limits, size, species, method of taking and possession shall be adopted only upon approval of the Wildlife Council (O.R.C. 1531.03). The Wildlife Council is an eight-member appointed body whose functions are to

advise on policies and programs of the division. O.R.C. Chapter 1533 specifies the laws concerning the taking of fish from Lake Erie. O.A.C. 1501:31 specifies the rules promulgated by the Chief of DOW regarding the taking of fish.

Any persons16 years of age or older, including nonresidents, taking or catching fish by angling in any waters in the state are required to have a fishing license from DOW (O.R.C. 1533.32). All money derived from fishing license fees is appropriated exclusively for the use of ODNR, DOW (O.R.C. 1533.33) and is used primarily for public fishing waters acquisition, stock fish management, education, research and waterbody improvements.

B. DOW investigates incidents of stream pollution that result in the killing of fish and other wildlife. Under O.R.C. 1531.02 and 1531.201, persons responsible for the pollution that causes the death of fish or other wildlife are civilly and criminally liable for the taking of the fish or wildlife (O.R.C. 1531.99).

Persons dumping trash in or along Ohio waters and industries discharging or spilling oily wastes into Ohio waters without a valid National Pollutant Discharge Elimination System (NPDES) permit issued by the Ohio EPA may be charged by the DOW with a violation of the Stream Litter Act (O.R.C. 1531.29); enforcement of other water quality laws rests with Ohio EPA (see Policy 6). Individual violators may be fined up to $500 or sentenced to 60 days in jail, or both, for a first offense. Corporations may be fined up to $3,000 for the first offense and $5,000 for subsequent offenses (O.R.C. 2929.31). No kills of fish need to be involved in a case of stream litter. The Stream Litter Act applies to the banks and bluffs along Lake Erie as well as other waterways in the state.

C. The State of Ohio helps protect habitat for fish and aquatic life through Ohio EPA's authority to issue or deny Section 401 water quality certifications for activities that discharge dredged or fill material to waters of the state or create any obstruction or attraction in waters of the state. (See Policy 12 for details on this authority.) Biological criteria are considered in water quality standards, and the antidegradation policy is used to protect state resource waters from degradation. Therefore, a Section 401 certification may be denied for sufficient grounds to protect important aquatic life uses of Lake Erie and coastal area waters. Special conditions of Section 401 certifications may be imposed on activities (O.A.C. 3745-32-05(C)). Such terms and conditions may affect the design of a project to protect or enhance fish habitat; may provide for increased water circulation or other factors important to maintaining quality habitat; or may restrict when dredging might occur in order to avoid adverse impacts to spawning areas.

D. ODNR protects fish habitat through several means. ODNR reviews Section 10 and Section 404 permits through the COE, using prime fish habitat as an aspect of the review criteria. Preservation of fish habitat is considered in mineral extraction and energy facility-siting decisions (see section on "Energy and Mineral Resources"); in approving permits for offshore development, dredging and dredged material disposal (see "Ports and Shore Area Development"); in the water quality regulations and nonpoint pollution policies (see "Water Quality");

in the protection and acquisition of wetlands and natural areas (see "Ecologically Sensitive Resources"); and through the submerged lands leasing program (see "Ports and Shore Area Development").

E. The Chief of DOW, with the approval of the Director of ODNR, may acquire or lease lands or surface rights upon lands and water for wild animals, fish and wildlife management, preservation, propagation, and protection, outdoor and nature activities, public hunting and hunting grounds, and flora and fauna preservation. The lease or purchase of all such lands and waters may be paid from hunting and fishing license fees (O.R.C. 1531.06).

F. DOW conducts continuing surveys with trawls and gill nets to provide an index of population numbers through monitoring of incoming year class strengths, relative numbers of adult age groups, seasonal abundance, growth rates, and maturity for sport and commercial species. Age, sex and size composition of these same species captured commercially are also monitored. Correlations between seasonal sport catches and reports from charter boat operators are used for future estimates of total sport fishing harvest.

G. DOW provides fishing facilities (parking, boat launching, piers, shoreline access, etc.) to improve access to the fishery resource (see Policy 21).

H. DOW provides technical and general information to sport and commercial fishermen. Information leaflets and reports cover a wide range of subjects including sport and commercial fishing laws, fish identification, bait fish, Lake Erie fishing services and facilities, when and where to fish, and the life history of many species in Lake Erie.