



## COASTAL RESOURCES ADVISORY COUNCIL

**Jim Kastelic**  
Chairperson

**David Spotts**  
Vice Chairperson

### ***Mission Statement***

*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.*



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## COASTAL RESOURCES ADVISORY COUNCIL

**Thursday, November 6, 2008**

University of Toledo, Lake Erie Center  
6200 Bayshore - Oregon, Ohio

### **Council Minutes**

#### **I. Call to Order Chairman Jim Kastelic**

John Piskura, Mayor of Sheffield Lake

Welcome to Sheffield Lake

Sheffield Lake is the most densely populated city in Lorain County. Land mass is 3.84 square miles.

Sheffield Lake also has the most parks per square mile than any other city and most w/ lakefront parks. City is all about lake access. Since taking office we have open access up. Just finished boat launch project that was completed in conjunction with ODNR.

#### Council introductions and roll call

Present

Denbow, Tom; Heath, Robert; Keenan, John; Dodrill, Eric; O'Connor, Jim; Brookes, Cindy; Clemons, Dan; Kastelic, Jim; Spotts, David; Tatter, Rachel; Donaldson, Dan; Urbanski, Vince; Boyd, Jason.

Absent

Born, John; Goudreau, George; Wright, Doug; Althaus, Rodney; Miesmer, David; Hayberger, Joe  
(all absent members submitted notice they would not be able to attend)

#### Public Introduction

(sign in sheets attached)

#### Agenda Review

#### May Minutes Approval

**To approve the May 2008 Coastal Resources Advisory Council meeting minutes.**

**Motion made by Vince Urbanski and seconded by Dr. Robert Heath.**

**Unanimously approved and May Minutes accepted.**

#### **II. OCM Update**

##### **A. Admin/DNR**

John Watkins. ODNR administration continues to work on mitigating the effects of lower than predicted state revenues. The OCMP should not be directly affected by these revenue challenges, but many partner divisions and organizations both within and outside ODNR may not have match funding for future grant proposals.

Discussion:

Cheryl Johncox: Any idea what on Federal funding outlook?

John Watkins. Last three years we've received roughly 2 million each year. Hopefully we will remain at that level.

## **B. Legislation/Lawsuit**

### Merrill – Taft

A decision on the Merrill-Taft class action lawsuit was announced on December 10, 2007. Appeals of the decision have been made by the plaintiffs and interveners in the case. Copies of the appeals can be found at: [https://phoenix.lakecountyohio.gov/pa/pa\\_cp.urd/pamw6500.display](https://phoenix.lakecountyohio.gov/pa/pa_cp.urd/pamw6500.display)  
Case #'s 2008-L-008 and 2008-L-007

### SB 189

No further action has occurred on SB 189. The bill, introduced in June 2007, seeks among other things to clarify the boundary of the ownership and respective rights of public private interests along the shoreline of Lake Erie. The bill can be viewed at:

[http://www.legislature.state.oh.us/bills.cfm?ID=127\\_SB\\_189](http://www.legislature.state.oh.us/bills.cfm?ID=127_SB_189)

### Great Lakes Water Compact

**House Bill 416**, sponsored by Representative Matt Dolan, was passed and signed by Governor Strickland on June 27. The bill and any updates can be found at:

[http://www.legislature.state.oh.us/bills.cfm?ID=127\\_HB\\_416](http://www.legislature.state.oh.us/bills.cfm?ID=127_HB_416)

The bill is currently being heard before congress.

## OAC Rules

### Submerged Lands/Coastal Structure rules

ODNR has released an updated draft of the Submerged Lands Lease/Permit Administrative Code rules (Ohio Revised Code (ORC) 1506.11; Ohio Administrative Code (OAC) 1501-6-01 through -09) and Coastal Structure Permit (ORC 1506.40, OAC 1501-6-31 through 38) Administrative Code rules for comment. Three public meeting have been scheduled in September along the Lakeshore to explain the rules and obtain feedback from interested parties. The meeting will be held on Thursday evenings during three consecutive weeks to provide more availability for the public to attend.

### Coastal Erosion Area designation and permit rules

ODNR is preparing revised Coastal Erosion Area maps. As part of that process, ODNR needs to re-file the Coastal Erosion Area designation rules (OAC 1501-6-10 through 13) and permitting rules (OAC 1501-6-21 through 28). Although the rules will be filed as "No Change", a public meeting will be scheduled in the near future to accept comments on the rules.

## Discussion:

Chairman Kastelic thanked the council member that attended the Great Lakes Compact signing. It illustrated the importance of the compact to the council.

Dr. Heath: Would the Coastal Atlas be updated from the remapping of the Coastal Erosion Areas?

John Watkins: We may look to do a new version of the Coastal Atlas in 2011. Not sure if it would include information on Coastal Erosion Areas.

## **C. Coastal Management Assistant Grants**

Five Cycle 12 grant awards in the amount of \$241,957 were announced in late May 2008 and the projects began on July 1, 2008. Attached is a listing and brief description of the five awarded projects.

All eight Cycle 10 projects (July 1, 2006 – June 30, 2009) have been completed. Six of the eight project recipients have completed the final reporting and have received their final reimbursements. The eight Cycle 11 grants (July 1, 2007 – June 30, 2010) are proceeding forward.

As reported previously, the Coastal Management Assistance Grant Program and the competitive portion of the state pass-through grant program are being combined into one program under the Coastal Management Assistance Grant Program title. A minimum of \$250,000 will potentially be available each year through a competitive selection process. The Office of Coastal Management evaluated the grant priorities and reviewed how such a program might work best. A revised priority description and general project guidance draft was circulated to the Coastal Resource Advisory Council's Subcommittee on Education and Grants along with various partner agencies for comment through mid-June. All comments are being considered, as appropriate, and the final grant application and guidance materials are being prepared for an August release through the Office of Coastal Management's website. The deadline for grant applications this year will be November 14<sup>th</sup>. (Letter attached)

Discussion:

Dr Heath: Thank you to Yetty on behalf of sub-committee for her thorough response to our comments.

#### **D. Lake Erie Shore Erosion Management Plan**

The NOAA Coastal Management Fellow presented on the Lake Erie Shore Erosion Management Plan at The Coastal Society Conference, on June 30<sup>th</sup> in Redondo Beach California. The overarching theme of the conference was minimizing human impacts on natural systems while enhancing stewardship of natural resources. The project was well received by conference participants with a strong interest in the outcome of Ohio's efforts.

The NOAA Coastal Fellow's last date with the Office of Coastal Management was August 5<sup>th</sup>. To ensure the successful completion of the LESEMP, Amanda Wenczel has accepted offer to stay on for 3 years to finish the project. Given the time and resources the ODNR has put into the LESEMP over the last two years, there should not be significant lapse in progress during this transition period.

Website will be updated w/ a lot of new information.

#### **E. Lake Erie Balanced Growth Initiative**

On May 14, the Rocky River watershed planning partnership and several representatives of their participating local governments met with the State Assistance Work Group to explore implementation ideas and projects. At that time the group had achieved the level of support required for endorsement, and so there was interest from both sides in exploring the next steps. The pilot representatives appreciated the opportunity to meet with state officials. The SAWG and OLEC staff came away from the meeting with a better idea of how to structure future meetings of this type. Although a number of worthy projects were discussed, since that time some of the local governments have backed off (see below for more details) and so we have not pursued these implementation projects at this time.

The pilot watershed representatives met on July 11. Reports from the four pilots: The **Chagrin River Partners** have 4 communities that have adopted resolutions of support for Balanced Growth. This is 8% of population, 8.6% land area, 11% of 36 communities by number (36 including counties.) Also, 28 communities are in various stages of reviewing PCA/PDA maps. Updates to local comprehensive plans are being completed to match the Balanced Growth PCA/PDA maps. In May, 2008 the **Rocky River partnership** had 11/13 communities on board with resolutions of support and proceeded to meet with the SAWG (as reported above) to explore implementation projects. However, since that time local opposition has resulted in the withdrawal of four of the township-adopted resolutions. Landowner concerns, a fear of the unknown, and resistance to riparian

setbacks seem to be the key factors driving the opposition. The watershed planning partnership plans to meet in mid-July to discuss next steps and is proceeding with plans to secure additional reassurance from the state for the townships that are concerned. Staff and technical advisory committee members from the **Swan Creek partnership** are continuing to conduct meetings with the jurisdictions, presenting the draft PCA/PDA maps and seeking comments and Resolutions of Support. The currently have support of 50% of the jurisdictions by number, 50% by land area, and 80% by population. Two sub-regions in the watershed are in talks to form JEDs, and these will be incorporated into the plan as they develop. The Swan Creek partnership feels they will achieve the number of communities, but without one of the three townships around the Oak Openings, it will not be possible to achieve the land area percentage. There are several large PCAs identified in these townships, but the trustees feel they have more than their fair share of conservation areas already and would prefer more development. The **Chippewa Creek partnership** finalized their Balanced Growth Plan (developed using a Coastal Management Assistance Grant) and in May and June the three actively participating jurisdictions passed resolutions of support. The WPP provided their newsletters, final plan, resolutions of support, and cover letter to the Lake Erie Commission on July 10, 2008 for review and endorsement by the state. They are on a review schedule that will bring the plan to the OLEC for endorsement at their December meeting.

The State Assistance Work Group of the Balanced Growth Initiative met on Tuesday, July 29 in Columbus to discuss the plan review and endorsement process as well as issues raised at the May meeting about plan development and implementation. The next meeting of this group will take place in September and provide an opportunity for the Chippewa Creek partnership to present their (revised) plan.

#### **F. Coastal and Estuarine Land Conservation Plan (CELCP)**

Comments from OCM were provided to NOAA on the CELCP guidelines in early May. NOAA staff will revise the guidelines and provide those back to interested parties for further comment later this year.

Ohio's CELCP Plan has been revised and was returned to NOAA on May 29 for review and approval.

NOAA published the notice of federal funding opportunity for the federal FY2009 CELCP grants on May 23, with a July 23, 2008 due date for pre-applications from the states. State applications were due to OCM on June 16, 2008 for review and ranking of projects at the state level. Two applications were received, one for an Erie Metroparks project at the mouth of the Vermilion River and another for an ODNR project on Middle Bass Island. The projects were ranked in that order by the CELCP committee (1-Vermilion, 2-Middle Bass) on June 30. Coastal and DNAP staff visited the Middle Bass Island CELCP project property on Friday, July 11. Several rare plants were located, with one potential state listed endangered species found along the shoreline. Numerous Lake Erie Water Snakes (federally listed Endangered species) were observed. Both project descriptions were revised with input from Coastal staff based on this and other information. The pre-application was sent successfully via Grants.gov and received by NOAA on July 21, 2008 prior to the deadline. NOAA will be sending the projects out for review and ranking; we expect to see the ranked list sometime in the fall as part of the federal budget process.

On June 11 and 12, Coastal staff accompanied the visiting NOAA regional liaison on tours of CELCP acquired properties along the Lake Erie coast, including two earmarked projects in Cleveland and the competitive projects awarded in FY07 (Port Clinton and Bratenahl).

The CELCP Coordinator met with staff of the Black Swamp Conservancy on Thursday 6-19-08 to present/discuss the Program requirements. Although these funds cannot be awarded to non-public entities, other conservancies to the east have been very helpful in identifying projects. The western section of the Lake Erie watershed has been underserved in the past, and we are hoping to strengthen this partnership so that we can identify good projects in the high priority western basin area.

The final report for the ODNR CELCP award for the federal FY 2004 projects, due June 28, 2008, was

submitted on June 26. All of the information is complete except for the proof of signage for the Honey Point/North Bass Island sub-project. Parks and Wildlife are coordinating with OCM to finish this last item.

#### **G. Ohio Coastal Atlas/GIS Mapping Website**

The *Ohio Coastal Atlas Project* (including the printed Second Edition, DVD Edition and Interactive Map Viewer) received a Notable Government Document 2007 Award from the American Library Association's Government Documents Round Table (GODORT). The State of Ohio Library in Columbus currently has a display set up featuring the atlas and recognizing this award.

#### **H. Education and Outreach**

The Office of Coastal Management received a second national award for the Ohio Coastal Atlas project. On June 16, 2008, we received notification that the project received a Notable Government Document 2007 award from the American Library Association's Government Documents Round Table within the State/Local information category. In June and July, the Ohio Coastal Atlas Project was featured in a display at the State of Ohio Library.

The Office of Coastal Management is working with NOAA partners in Ohio (Ohio Sea Grant, Old Woman Creek and the Ohio Coastal Training Program) to draft an updated five year education and outreach plan. By working with NOAA partners, the internal goal is to develop a unified message about the importance of and resources in Lake Erie and the watershed and enhance engaged learning opportunities by having general information about coastal partners at all outreach events. During the most recent triennial review, NOAA's program suggestion was to continue developing and implementing an office wide education and outreach plan.

The Office of Coastal Management WebPages are in the process of being updated to the "Ohio.gov" layout. By directive from Governor Strickland all state agencies are required to update their pages to a standard layout format in order to "give our customers the citizens of Ohio, a more cohesive experience when looking for resources at the state level;" and "give agencies a chance to review in a comprehensive fashion their web presences, and to open doors to reorganization and revitalization..." The updated coastal website will combine the previous homepage navigation as a header on every page, and expand the ease of use by providing topic-specific navigation along the right hand column. The website update should be complete by mid-fall.

Since mid-summer, the Office of Coastal Management has been engaged in a strong series of outreach events which have included the following:

#### **June 2008**

##### **19 Black Swamp Conservancy Presentation**

The Office of Coastal Management gave an informational presentation to members of the Black Swamp Conservancy District.

##### **20-21 Toledo Skyway Marina Earth Voyager Festival**

The Office of Coastal Management hosted an interactive display during the environmental fest to promote *Healthy Lakes. Healthy Lives.*

##### **26 Environmental Thursday Program**

The Office of Coastal Management gave an informational presentation to the Lakeside Association focusing on the Ohio Coastal Atlas project and how it can be used to enhance decision making as it relates to Lake Erie watershed resources.

#### **July 2008**

##### **16-17 NOAA Science Advisory Board Meeting**

SAB is a federal advisory committee for the Under Secretary of Commerce for Ocean and Atmosphere on strategies for research, education and application of science to operations and information services. The Office of Coastal Management participated in the meetings.

**17 Maumee River Basin Partnership of Local Governments**

The Office of Coastal Management gave an informational presentation regarding Coastal Management Assistance Grants to the MRBPLG.

**30 Ohio State Fair Natural Resources Park**

The Office of Coastal Management and Lake Erie were featured in a non-manned display at the Ohio State Fair through August 10. Ohio Coastal Atlas' were distributed.

**August 2008**

**7 Garden Clubs of Ohio, Inc.**

Environmental Studies School CII, SII at the Ohio State University's Agriculture Technical Institute, 1901 Apple Orchard Drive, Wooster. OCM was a presenter to the class of 15 who were very interested in coastal management.

**9 Great Lakes Burning River Fest 2008**

OCM was an exhibitor at the day-long event.

**16 Conservation Day at East Harbor State Park**

OCM hosted a display at the event and also gave an hour-long beach walk presentation to.

**23 Old Woman Creek**

Estuary Explorations at 10 am Explore the Shore during an educational beach walk presentation about Lake Erie and the Great Lakes.

**September 2008**

**4 OAC Public Meeting #1**

Public meeting to solicit input on proposed changes to Ohio Administrative Code rules for managing construction and improvements along the Lake Erie shore. Meeting to be held from 6 p.m. to 8:30 p.m. at the Ottawa National Wildlife Refuge, 14000 State Route 2, Oak Harbor in Ottawa County. (See coastal WebPage Land Management for more details)

**6 F.T. Stone Laboratory annual Open House**

Gibraltar Island, Put-in-Bay from 11 am to 4 pm. (Sponsor: The Ohio State University, Ohio Sea Grant College Program, OCM will host display).

**10-14 36<sup>th</sup> Annual North American In-Water Boat Show at Cedar Point**

The Office of Coastal Management will co-sponsor a booth at the annual show with the Ohio Clean Marinas Program.

**11 OAC Public Meeting #2**

6 p.m. to 8:30 p.m. at the Painesville Township Park, 1025 Hardy Road, Painesville in Lake County. (See coastal WebPage Land Management for more details)

**12-21 Ohio's Coastweeks**

Celebrate, Educate, Participate. (Sponsor: Ohio Lake Erie Commission)

**18 OAC Public Meeting #3**

6 p.m. to 8:30 p.m. at the Don Umerley Civic Center, 21016 Hilliard Boulevard, Rocky River in Cuyahoga County.

**20 International Coastal Cleanup Day**

Sponsor: Ocean Conservancy; Ohio Sponsor: Ohio Lake Erie Commission.

**23-26 Great Lakes Coastal Management Programs Regional Meeting, Buffalo NY.**

**30 Ohio Lake Erie Commission Quarterly Meeting**

10 am at the Lake Erie Nature and Science Center, 28728 Wolf Road, Bay Village. Tel: 440-871-2900.

**I. Ohio Clean Marinas and Boaters**

Three marinas adopted plans and put into practice voluntary best management actions and were designated as Certified Ohio Clean Marinas. This brings the total of Ohio Certified Clean Marinas to 39 as of June 30, 2008.

Planned and held one Ohio Clean Marinas workshop with 9 marina owners/managers attending, resulting in (3) new pledged marinas.

The boat shrink wrap recycling effort continues for the third year, with scheduled marina shrink wrap pick ups scheduled for April 15 through June 15. Over one hundred marinas again participated in the spring 2008 program, with an estimated 150K pounds (50+ tons) of shrink wrap collected for recycling. The OCMP worked with Mondo Polymers in developing a shrink wrap program for the state of Michigan during 2007. This year, an estimated 100K+ lbs. of boat wrap was collected in Michigan as well from Lake Erie/Lake St. Clair marinas. A final tonnage report will be available from Mondo Polymers in late July.

Fifteen Ohio Certified Clean Marinas with fuel docks were provided with large quantities of fuel bibs and gas/diesel fuel nozzle donuts and gaskets. These incentive items were provided through the courtesy of Ohio Department of Natural Resources, Office of Coastal Management.

The OCMP continues to work with Ohio EPA in developing educational workshops for marinas regarding the National Pollution Discharge Elimination System (NPDES) General Storm Water Permit for Marinas. OCMP has secured 5 Ohio Certified Clean Marinas willing to host OEPA walk-thru educational programs for all marina owners/managers. In addition, OCMP has developed an educational outline for classroom seminars specifically for Ohio Certified Clean Marina owners/managers. These educational seminars will be offered after OEPA walk-through events.

On May 30, Sea Grant Educator and Ohio Clean Marinas Coordinator resigned from the program, effective June 20, 2008. The administrator has worked with Mr. Comer in completing planned work and in making the transition to a new program coordinator. On June 10, the specialist revised the PA for this position, and submitted it to Jeff Reutter and Extension Administration for review and posting. The position announcement was posted publicly on June 29, and closed on July 13, 2008. Interviews have been completed to fill the vacancy. The new coordinator should be in place this month.

#### **J. Lake Erie Protection and Restoration Plan**

In April, 2008, the Ohio Lake Erie Commission office began developing a revised Lake Erie Protection and Restoration Plan (LEPRP), and OCM took the lead in gathering and submitting ODNR's comments to the Commission. The public was then invited to comment on the draft LEPRP from June 13<sup>th</sup> through July 18<sup>th</sup>.

The Commission has attempted to address many of the comments and questions provided by the public but are also asking for our help to respond to some of the public comments. OCM has again taken the lead in gathering and submitting ODNR's responses to the Commission. The final LEPRP will be unveiled at the September 30<sup>th</sup> Commission meeting in Bay Village.

#### **K. Lake Erie Non-Point Pollution Control Program**

Four new projects are being implemented in 2008-09 as part of the Coastal NPS Program. This includes: 1) Lake Erie Dams 2) Irrigation Water Management 3) Watershed Management and Resource Protection 4) Alternative Management Measure for Urban Stormwater. The projects are being funded by the Office of Coastal Management in order to gain further approval of the Coastal NPS Program Plan and to implement approved portions of the Coastal NPS Program Plan.

The 2008 Request for Proposals of the Ohio Watershed Coordinator Grant Program has closed. This includes 8 proposals in the Lake Erie Watershed: Upper Grand River, Middle Cuyahoga River, Ottawa River, Swan Creek, West Creek, Blanchard River, Doan Brook, and Euclid Creek. The proposals are under currently under review by the ODNR, Division of Soil and Water Conservation.

Discussion:

Geneva State Park has a long problem of sediment transport. We came up \$25,000 to pass to Division of Parks and Recreation to conduct a study to find a solution to a permanent bypassing system.

#### **L. Coastal Design Manual**

The Coastal Design Manual will serve as a complement to and will be distributed with the Coastal Permit and Lease Application. Property owners, design consultants and contractors will have a better understanding of the methodologies to be used when designing a coastal structure, which should lead to better proposals that are more likely to be approved in a shorter period of time.

Proposals were received from two qualifying consultants in January of 2008. The proposals were reviewed by OCM and a recommendation for selection was forwarded to and approved by ODNR administration. Subsequently, Jon Guerri Taylor and Associates of Mount Pleasant, South Carolina, was notified of being the selected firm to develop the manual and a cost proposal was requested. The Office of Coastal Management staff provided information to the consultant regarding the types of coastal structures and construction methods typical to the Ohio shore of Lake Erie in preparation for a pre-cost proposal meeting scheduled for the second week in July 2008. A pre-cost proposal was submitted to OCM on August 5, 2008. OCM has reviewed the proposal and provided comments to the consultant and expects revisions be submitted in the near future.

#### **M. Climate Change**

The Great Lakes Environmental Research Laboratory in Ann Arbor (another NOAA funded agency) sponsored a climate change workshop July 29-31 for the purpose of discussing existing research efforts and exploring future research needs on this topic for the Great Lakes region. Coastal staff attended part of this workshop to present coastal management stakeholder issues. This topic has also been under much discussion at the Coastal States Organization conference calls. We appreciated the opportunity to provide comment and learn more about the state of the art in research, especially at the regional and lake scale. GLERL has an effort underway to create a climate change model for the Great Lakes region that should hopefully provide additional information for resource managers when it becomes available.

Discussion:

Dan Donaldson- A property owner in Lake County received letter from ODNR that their lakefront property was release from coastal hazard area. The property is now in the lake. Are those properties that are now in the lake exempted from the CEA designation? Once the lake bluff proceeds past their property, does their property exist? .

John Watkins: With respect to the Coastal Erosion Area Mapping, the initial mapping started in 92/93 and they areas were referred to as coastal hazard areas. My understanding is that the baseline for the hazard areas that they used was to go along the shore and determine a setback. Ultimately rules were developed, draft maps were produced, the let property owners were notified and then ODNR published the preliminary maps. There were lots of public comment and the department was asked to go back and revise the maps. There was a concern about the term “hazard” and it was changed to “area”. The Coastal Resources Advisory Council was involved and they came up with a process that led to maps that exist today. New mapping in 1998 resulting in another letter to property owners. Important to note that there is an inherent error based upon the accuracy of the aerial photography. ODNR estimated that the accuracy was 0.3 ft a year, meaning that areas that were projected to have buff recession of less than 9 feet per 30 years were left out of the coastal erosion areas.

There are a number of properties over the years that have a higher rate of erosion or some that have lower. With the issue of properties out in the lake, I'll refer to the Merrill decision.

Chairman Kastelic: Would like Climate Change on the November agenda. There was a recent article in the Cleveland Plain Dealer about a University of Maryland study on the impact of global warming worth looking at.



Was recently up in Pennsylvania and was able to see impact of recent floods in mountain areas.

Dr. Heath will work w/ Liz on coordinating a future meeting.

### **III. Old Business**

#### Ohio Administrative Code Draft Rules

Packet is on the web. A summary of each set of rules:

##### **OAC Rules 1501-6-01 through 1501-6-10**

##### **Submerged Land Leases/ Submerged Land Permits**

- Revises or creates definitions for various terms including fill, boathouse, floating home, littoral rights, littoral zone and submerged lands permit.
- Requires a completeness review by ODNR and notification of missing information within 15 days after receipt of an application.
- Requires a decision on a permit within 120 days after receiving a complete application, unless an extension is requested by the applicant.
- Requires notification of adjoining property owners by certified mail of application for a lease/permit and requires listing each application on the internet; provides a 30-day comment period. (1501-6-04).
- Requires each application be accompanied by a non-refundable \$50 filing fee.
- Provides distinction between a Submerged Lands Permit authorization and a Submerged Lands Lease and clarifies what needs to be included with each application.
- Provides certain grandfathering of information to be submitted with an application for structures or fills placed prior to March 15, 1989.
- Provides clarification to the “water dependency” review criteria.
- Provides clarification on public recreation and eliminates requirements for public access on private structures or fills (1501-6-03).
- Eliminates the requirement for lease/permit holders to obtain liability insurance (1501-6-05).
- Establishes a two-year period for current Submerged Lands Leaseholders to submit written requests to replace existing leases with permits and/or modify existing leases to exclude areas determined to be outside of the territory of Lake Erie. Upon replacement/modification, establishes a refund option for rental amounts collected since July 2007 on areas determined to be outside of territory of Lake Erie (1501-6-05).
- Defines a decision appeal process, with hearings held in the county where the project is located (1501-6-07).
- Establishes penalties for noncompliance with OAC 1501-6, and a process for returning structures to compliance without penalties being assessed. (1501-6-08).

##### **OAC Rules 1501-6-31 through 1501-6-39**

##### **Coastal Structure Permits**

- Defines when a coastal structure permit is required, application requirements and processing procedures.
- Requires a review by ODNR for completeness and notification of missing information within 15 days after receipt of an application .
- Requires a decision on a permit within 120 days after receiving a complete application, unless an extension is requested by the applicant.
- Establishes a \$50 filing fee for each coastal structure permit application (1501-6-33).
- Requires notification of adjoining property owners by certified mail of application for a permit and requires listing each application on the internet; provides a 30-day comment period (1501-6-34).
- Formalizes application review criteria (1501-6-34).
- Provides a clear process for temporary permits to be issued in emergency situations.

- Defines permit compliance and prohibitions, including prohibiting construction of coastal structures prior to the issuance of a permit.
- Prohibits placement or dumping of fill or debris without a coastal structure permit along or near the shore for the purpose of controlling erosion, wave action or inundation (1501-6-36).
- Establishes inspection and compliance criteria.
- Establishes procedures for gaining compliance and penalties for noncompliance.
- Establishes an appeal process for coastal structure permit decisions (1501-6-37).

## **OAC Rules 1501:1-35, Ohio Coastal Resources Advisory Council**

We will need the Rules, Laws Rules, Laws, Consistency, Enforcement and Implementation sub-committee to look at. In addition the subcommittee will look at the revised regulatory rule package upon direction from the office.

### **IV. New Business (52:32)**

#### **Sub-Committees**

##### **Education and Grants Sub-Committee, Chairman Robert Heath**

Met by conference call to discuss the Coastal Management Pass-through Grant Program Restructuring.

The subcommittee comments and the response from OCM are attached.

##### **Executive Council, Chairman Jim Kastelic**

*August 14, 2008*

*Liz will send a reminder out to council that they are welcome to bring photos, maps, slides etc. that will support their local updates.*

*Mayor of Sheffield Lake will be attending the meeting and giving a welcome*

*OCM Update- John will be covering:*

*OAC Rules and public meetings*

*State Budget*

*Staff changes*

*Scenic River funding*

#### *Presentations*

*Ohio Watershed Coordinator Program*

*Matt Adkins from ODNR*

*Jared Bartley, Rocky River Watershed Coordinator*

*Bre Hohman, Old Woman Creek Watershed Coordinator*

*Commercial Fishing update (tentative)*

#### *Sub-committee reports*

*The Grants Sub-committee provide comments on proposed changes to the OCM Grant Program.*

#### *Future Topics for presentations*

*Climate Change*

*Invasive Species*

#### **Additional discussion:**

**Scenic River Program- Moving to watercraft from DNAP. DNAP Heavily funded by GRF. Thought was to use some of watercraft funds. Director is committed to funding the program.**

## **Local Updates**

### **Jason Boyd, Lake County**

Planning Commission is working on two or four master plans. The big ones are in Eastlake and Chagrin River. Also working on riparian setbacks with townships. From the Coastal Planning side of things we secured, through the state capital bill, 1.25 million for plan, beach creation and public access.

Jim Kastelic: Did you prioritize in the plan?

Jason Boyd: Yes, the best they could. Each lakefront community has a project on the list.

### **Vince Urbanski, Lake County**

The Lake County Park District is going to be working with the City of Eastlake Port Authority on a CMAG received through latest round on the Chagrin River. The park district is also looking to acquire property on North Island of mouth of river.

### **Dan Donaldson, Lake County**

The Soil and Water District has had a big ground water year and have had a big increase in lakeshore land owner calls about beach aggression. It appears that 30-50 ft of beach is disappearing.

John Watkins: It's been 10 years since we've had the high water years of 1997/1998.

### **Rachel Tatter, Cuyahoga County**

A couple of lakeshore developments to pass along. In Aug 5 the Port releases preliminary drawings on relocation. On the 29th The Canal Basin District Plan had public meeting regarding path to connect to flats.

On Labor Day- Port Fest this year will be focused on Maritime Heritage.

### **Davis Spotts, Ashtabula County**

Marina on Ashtabula River collapsed on Aug. 10. Question is what caused this? Was it the dredging? There was a lot of activity going on including bridge repairs. It could have been the vibrations. This is going to be a long term issue.

Geneva State Park Dredging Project (Photos)

The dredge being used connects a pipeline and taken to another location along the shoreline. ODNR could enforce or the US Coast Guard. There hasn't been a non-casualty enforcement in the last 30 years. There's no man power.

### **John Keenan, Ashtabula County**

Covered Bridge designation this month.

Lift Bridge- work has been delayed until November.

1st annual wine and walleye tournament will be held in Ashtabula. There has been a lot of commercial Fishing activity-coming from Lorain. Want to keep away from festival.

Norfolk and southern coal dock fire.

Wind farm in Conneaut--talks have started.

### **Dan Clemons, Ottawa County**

In the middle of all the summer activities. Not sure what's going on with park since developer pulled out of negotiations.

Jerry, Port Clinton, CORD

Environment Study- 3 wells contaminated. EPA came in and o.k.'d their end of the problems. Need to determine if the land can even be built on. Don't think the developers are aware of the situation. CORD wants the open space to remain.

Don Finke, Port Clinton, CORD

Another developer showed some interest at city council meeting a week ago. There were conversations that may have been kept private. Publically not sure what was offered.

**Cindy Brookes, Sandusky County**

Sandusky County is working towards to building its reservoir. EPA design approved, but funding is an issue. The City of Fremont is under orders for its CSO's. It's creating some issues. The watershed is focusing on hidden treasures this weekend. Will be at Muddy Creek doing bird banding.

**Jim O'Connor, Lorain County**

Boat launch is open. City is dealing with issues with the Shopping Center across the street, a lot of business's are leaving and the property is run down.

In regards to the rule changes and the building of the boat ramp, the ODNR suggested some changes to the plans that the city liked, but to go back and revise would have been costly and timely. This is an issue that needs to be addressed. Thank you for coming to my home town. There is plenty of public access here. It's a shame that most of the parks are vacant day after day.

**Eric Dodrill, Erie County**

Erie County flooding and groundwater issues made national news. Several homes are still impacted. The amount of water that stayed has is puzzling. Working on solutions for land owners.

Erie Co. Soil and Water District has teamed up with the Local Health Department and applied for a CMAG grant. Received a Lake Erie Commission Grant.

**Robert Heath, Portage County**

A long time problem for Portage County has been a lack of funding to maintain park lands. A citizens group has put on ballot to bring in 1.5 million per year.

Edith Chase added that a damn modification in City of Kent is in progress and they have applied for permit with DNR for waterpark.

**Tom Denbow, Cuyahoga County**

There was a slope failure in Cuyahoga River, currently working on temporary solution. Off shore wind info on Cuyahoga County website, should be public meetings in the near future. Northeast Ohio Sewer District, working on plan for the next ten years. Green bulkhead project did do pilots

**Jim Kastelic, Cuyahoga County**

DIKE 14

1979-1999 the Army Corp of Engineers dredged the Cuyahoga River and dumped in confined disposal area. After it closed the site regenerated itself into a diverse habitat. Over the last 10 years there has been an effort to turn into nature preserve. A risk assessment was conducted and found it was safe. A little hot spot of about 5 acres was identified and will need to be remediated. There is a push to make it an actually nature preserve. Some issues exist: who owns it? Who should own it? Who should manage it? The owner would have to maintain dike walls. The city said the port authority should do it. The port says the state should do it because it's on submerged lands. Next Monday there is a meeting with DNR and City of Cleveland. (A map of project attached)

**V. Lunch**

30 minute lunch break

## **VI. Presentation**

**Matt Adkins, ODNR Non-Point Coordinator**

(Presentation attached)

Discussion:

Jerry Jonke, CORD

Is there such a thing as "complete control over lake Erie watershed"?

Matt Adkins

This program is voluntary. Most lands are privately owned. Ohio has been called a "home ruled" state. We try and educated everyone in the watershed as best we can and build consensus. Everything is voluntary and up to the community to adopt.

Jerry Jonke, CORD- grants would be

The folks that get them are

Matt Adkins

It's one of the challenges. A little money and a voluntary program. We get around and we could use all 10 million just upgrading septic tanks.

Dr. Robert Heath, CRAC Member

Believes this approach is sensible. This day and age often try to legislate; success depends on willingness of people to conform. This is cost effective. Water knows one law 'it goes downhill' and you have to depend on human behavior. Convince through economic benefits and public health.

Matt Adkins

Another battle is convincing a community that funding a person will lead to better water quality.

**Bre Hohman, Old Woman Creek Watershed Coordinator**

(Presentation attached)

Discussion:

Tom Denbow, CRAC Member

Water harvesting/water table management and global warming. This is a concern in the Western Basin. Is that done intentionally to try and get data?

Bre Hohman, OWC

It was a supervisor that brought the article. There are of some table management projects around. There is a project in Illinois.

John Watkins, Chief

OCM has been funding the ODNR Division of Water to conduct regional water quantity assessments for major tributaries of Lake Erie and potentiometric surface mapping for the entire watershed. All counties in the Ohio Lake Erie watershed will be done by 2012 and will help establish baseline to be used in managing water supplies and measuring impacts. We will also fund the completion of the mapping of aquifers that will be completed in 2012.

Introduction of Frank Lopez, OWC Reserve Manager

Doing research for 30 years and have been waiting for program like this. The goal is simple, to promote stewardship of coastal wetlands and watersheds. We are largely funded by NOAA, and NOAA is struggling on how to involve citizens. There a lot of advantages to this program and it leverages a lot.

**Jared Bartley, Rocky River Watershed Coordinator**  
(Presentation attached)

Discussion:

Dr. Robert Heath, CRAC Member

Did you say that you have volunteers doing monitoring.

Jared Bartley

We are working up to it.

Tom Denbow

The retrofit. Are you driving or is the community?

Jared Bartley

A little bit of both, but mostly us.

Tom Denbow

Are we starting to get to the point that you need to say “it's going to take this to achieve this”?

Jared Bartley

There are models, but every watershed is so different it's hard to say for sure.

Jim O'Connor

Even prior to the airport expansion it seems to have caused a lot of problems. Have they come around?

Jared Bartley

They are getting better, but it is still an issue. NASA is a bigger issue than the

Jim Kastelic, CRAC Member

Cleveland Metroparks has received funding for easements in Abram Creek.

## **VII. Public Comment**

**Barbra Martin, Chair Dike 14 Nature Preserve Committee**

We have been working since January 2001 to protect Dike 14. It's a remarkably site with great potential for tourism and impact on Coast. Here to today to discuss the change of use that is being proposed by the Port Authority with its relocation.

(Information attached)

**Don Finke, Port Clinton, CORD**

Read letter from Mayor of Port Clinton to CORD stating that the Mayor has decided to disband coastal management committee.

CORD will take on along with study of the land.

Bob Heath- What exactly does that mean?

Don Finke- We will find out in October. Worried that this is lessening awareness to the community of what the coastline is.

**Jerry Jonke, CORD**

Provided copy of study done in conjunction with Coastal Management and the City of Port Clinton. They will be attending the CRAC meetings and reporting back to the city.

**VII. Conclusion**

Next meeting in Toledo at the Lake Erie Science Center, November 6.

Motion to adjourn: Eric Dodrill

Motion seconded: Dan Donaldson

Adjourn at 2:10



## COASTAL RESOURCES ADVISORY COUNCIL

Chairperson: James Kastelic  
Vice Chairperson: David Spotts



### Mission Statement

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.

Thursday, August 21, 2008

Sheffield Lake Community Center, Sheffield Lake

1)	Rodney Althaus	Excused
2)	John Born	Excused
3)	Jason Boyd	Jason Boyd
4)	Cindy Brookes	Cindy Brookes
5)	Daniel Clemons	Daniel A. Clemons
6)	Tom Denbow	Tom Denbow
7)	Eric Dodrill	Eric B. Dodrill
8)	Dan Donaldson	Dan Donaldson
9)	George Goudreau	absent
10)	Joe Hayberger	Excused
11)	Robert Heath	Robert Heath
12)	James Kastelic	James Kastelic
13)	John Keenan	John Keenan
14)	David Miesmer	absent
15)	Jim O'Connor	Jim O'Connor
16)	David Spotts	David Spotts
17)	Rachel Tatter	Rachel Tatter
18)	Vince Urbanski	Vince Urbanski
19)	Douglas Wright	absent





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ODNR – OCM  
105 West Shoreline Drive  
Sandusky, OH 44870-4132  
419-626-7980

If you wish to provide public comment during the Public Comment session of the Coastal Resources Advisory Council please place an asterisks (\*) in front of your name when signing below. All public comment speakers will be limited to three (3) minutes.

August 21, 2008

Sheffield Lake Community Center, Sheffield Lake, Ohio

Name	Address	Affiliation
1 JERRY JOLKE	117 CEDAR ST PORT CLINTON	C.O.R.D
2 DON FINKE	222 ADAMS ST. PORT CLINTON	C.O.R.D.
3 W. Wally Paine	33344 Lake Rd Avon Lake, OH	
4 <del>BOB WEAVER</del>		
5 Edith Chase	5731 Caranov Dr, Mt 44240	SELF
6 Cheryl Johnson	807 Grandview Columbus	OEC
7 Barbara A. Martin	63 E. Grand St. Painesville, OH	Dike's nature Preserve Commission
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