

cc: Mike Shelton



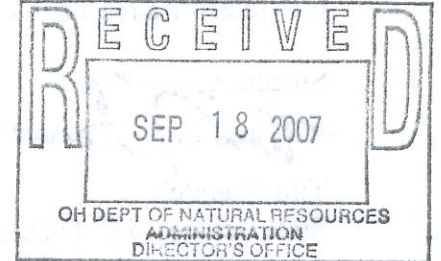
**Timothy J. Grendell**  
State Senator, 18<sup>th</sup> District

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Agriculture  
Environment and Natural Resources  
Joint Committee on Agency Rule Review

September 12, 2007

Director Sean Logan  
Ohio Department of Natural Resources  
2045 Morse Road  
Columbus, Ohio 43229



Dear Sean,

I appreciate your joining in the fishing fun on Lake Erie on Saturday. I hope you can make the Perch Fest a regular event on your calendar. I also agree with your assessment that it would be beneficial for ODNR, the Lakefront Group, and me to sit down and discuss new rules for consideration by CRAC.

From my perspective, I would like to see a comprehensive policy that is specific as possible. In this manner, we can avoid ambiguity and thus, potential misunderstanding in the future.

As you know, I am pleased with the Governor's announcement that ODNR's Coastal Management Office will begin honoring deeds in Ohio—this is a welcome change from some of the unreasonable positions I have heard taken by various individual in the past. We need reasonable regulation to protect one of this state's most valuable natural resources, but it is completely inappropriate to take away private property or turn private property into public access to accomplish this laudable goal. I see the following major issues as needing to be addressed:

- The clarification of the long standing principle that the Public Trust extends only over water and the public has a right to access only the water.
- The U.S. Army Corps of Engineers regulates all structures lakeward of the Ordinary High Water Mark (OHWL). ODNR should regulate over the same area, but (like the Corps) jurisdiction only includes regulation, not ownership.
- Establishing that only permits will be required to construct a structure below the OHWL.
- Full recognition of littoral boundary movement with respect to accretion, reliction, and avulsion.
- Offer to terminate all existing leases.

- Grandfathering all structures currently in place that do not presently have a lease or permit from ODNR.

I would suggest that although some of these changes may be possible through administrative rulemaking, others might be best pursued via a legislative solution. I believe that SB 189 provides for a reasonable and well-thought-out framework for both discussions.

Sincerely,



Tim Grendell  
State Senator, 18<sup>th</sup> District