

Submerged Lands Leases



Summary

Submerged Lands Leases are a mechanism by which Ohio authorizes the development or improvement of Lake Erie. Leasing submerged lands enables the state to manage Lake Erie, accommodate various private and public uses, and help protect the rights of littoral property owners.

The territory of Lake Erie includes Lake Erie's water, the lands beneath the water, and the resources living in the water, and is held in trust by the state of Ohio for the benefit of its citizens. The state, acting as a trustee for all Ohioans, allows public land and natural resources to be used for recreation, public infrastructure, private enterprise, and in the case of Lake Erie, protection of littoral property from flooding and erosion.

History of Submerged Land Leases

- **1917** – Administration of leases begins; they are issued by coastal municipal governments.
- **1955 to 1982** – Leases administered by the Ohio Department of Public Works
- **1982 to March 14, 1989** – Leases administered by the Ohio Department of Administrative Services
- **March 15, 1989 to present** – Leases administered by the Ohio Department of Natural Resources; the Office of Coastal Management is tasked with this responsibility after its creation in 2002.

What is a Submerged Lands Lease?

A Submerged Lands Lease is a contract between a shoreline property owner and the State of Ohio. The lease grants a private or public entity the special use of a portion of Public Trust (i.e. Lake Erie submerged lands). The public is compensated by a rental fee.

The lease states the responsibilities of the lessor (the State of Ohio) and the lessee (the applicant). It defines the leased lands' boundary, the authorized use(s), sets the rental rate, and establishes the term of occupancy. Leases are prepared by the Ohio Department of Natural Resources (ODNR) and executed by the Governor as proprietor in trust for the citizens of Ohio.

How long have Submerged Lands Leases existed?

Submerged Lands Leases have been administered in Ohio since 1917. Originally, most leases were administered by municipalities along Ohio's 312-mile coast. In 1955, the Ohio Department of Public Works assumed responsibility for administering all Submerged Lands Leases in the state. The authority was transferred to the Ohio Department of Administrative Services in 1982. On March 15, 1989, the Ohio Department of Natural Resources was tasked with the responsibility for administering Submerged Lands Leases.

What projects require a Submerged Lands Lease?

A Submerged Lands Lease may be required for the area occupied by wharfs, docks, marinas, piers, boat ramps, seawalls, breakwaters, stone revetments, groins, jetties, water intakes, utility lines and any other structures or artificially placed fill that extends past the natural shoreline. Sandusky Bay and Maumee Bay are considered part of Lake Erie. The rivers and streams that empty into Lake Erie are not.

Do existing structures require a Submerged Lands Lease?

Existing structures or fills that are not currently leased may potentially be able to obtain a Submerged Lands Lease. In some circumstances, modifications to the existing structure or fill may be required to comply with applicable laws and policies. ODNR will assist you with determining what structures could be leased and what, if any, modifications may be necessary.

How is a Submerged Lands Lease application obtained?

A Submerged Lands Lease application form and detailed instructions can be found in the ODNR Coastal Permits and Lease Booklet, which can be downloaded online or obtained from the ODNR Office of Coastal Management by calling 419-626-7980.

Please note that a resolution from the local legislative authority (e.g. port authority, municipality, or county) that has jurisdiction at the location of the proposed lease area must accompany a Submerged Lands Lease application. Contact information for these local authorities and guidance on obtaining a resolution can be found in the permit application booklet, on the Local Resolution or Ordinance Web page and by contacting the Office of Coastal Management.

What happens after an application is submitted?

ODNR reviews the application submittals to determine if it is complete and if the project complies with Ohio law, including Ohio's coastal management policies. If the application does not contain all of the documents and information listed in the ODNR Coastal Permits and Lease Booklet, ODNR will request that the information needed to complete the application be provided. If the missing information is not received in a reasonable time, the application can be returned as incomplete.

ODNR's review of the application usually includes a site visit, and comments may be generated. These comments are sent to the applicant and may note any specific concerns that need to be addressed. The applicant may need to modify the proposed project to address any conflicts with applicable laws and policies.

After ODNR determines that the project is acceptable, a draft lease is sent to the applicant. The draft lease must be signed by the applicant and returned to ODNR along with the first lease payment. ODNR then forwards the draft lease to the Governor for signature. The executed lease is then sent to the applicant. The executed lease represents a binding property transaction and should be recorded by the applicant at their county recorder's office.

How long is a Submerged Lands Lease valid?

Submerged Lands Leases are typically valid for a 50 year period and can be renewable for an additional 50 years.

Is there an application fee?

There is no fee to apply for a Submerged Lands Lease. However, the services of an Ohio Registered Professional Surveyor are usually needed to establish the lease boundary. The Ohio Coastal Design Manual provides direction for surveyors. It can be downloaded online.

What are the rental rates?

The annual rental rate is usually based on the square footage of area occupied by the structure within Lake Erie and the proposed use of the structure. Rental rates range from 1 to 4 cents per square foot. A flat annual fee for processing the payment may be charged in addition to the rental rate depending on the type of use. (See Ohio Administrative Code Section 1501-6-06).

Web pages mentioned in this fact sheet:

- **Coastal Permits and Lease Booklet**
www.ohiodnr.com/tabid/9295/default.aspx
- **Local Resolution or Ordinance**
www.ohiodnr.com/tabid/9289/default.aspx
- **Submerged Lands Leases**
www.ohiodnr.com/tabid/9288/default.aspx
- **Ohio Coastal Design Manual**
www.ohiodnr.com/tabid/23074/default.aspx
- **Ohio Revised Code § 1506**
<http://codes.ohio.gov/orc/1506>
- **Ohio Administrative Code § 1501-6**
<http://codes.ohio.gov/oac/1501-6>

Learn more:

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