



OHIO COASTAL RESOURCES ADVISORY COUNCIL

David Spotts, Chair
Tom Denbow, Vice Chair

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.



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

November 3, 2011 – Meeting Minutes

10:05 am - Call to Order

Welcome/Introductions – meeting called to order at 10:05 by Mr. David Spotts.

Members who requested to be excused were noted: **(LIST)**

Those present: **(LIST)**

Lori White in attendance as guest of Dr. Robert Heath.

Motion: To accept minutes as written.

Made by Mr. George Goudreau and seconded by Mr. Tom Szabo. Unanimously approved.

10:15 a.m. - Office of Coastal Management Update, John Watkins, Chief

Chief Watkins provided a status update on staffing at OCM. New employees Virginia Bahs, Amy Plunkett and Laurie Cleaver had or would be starting with a week. Chief Watkins also said OCM is advertising for a Planner focused on wind energy.

OCM distributed the quarterly update to council members electronically and in print (attached). In addition to the items noted in the update, the following items were discussed:

Merrill v Taft and Submerged Lands Leasing program – Chief Watkins discussed the decision and read the wording of the decision as pertains to the boundary of the public trust, “The territory of Lake Erie held in trust by the state of Ohio for the people of the state extends to the natural shoreline, which is the line at which the water usually stands when free from disturbing causes.” Council members asked why it was important to be specific when defining the territory of Lake Erie. Chief Watkins said the specificity is needed to know who has a littoral right along the shore. The court case has been remanded to Lake County to address a few remaining items. Once the case is completely settled, ODNR will continue to work with current leaseholders to revising the boundaries in the lease to reflect the court’s decision. ODNR also hopes to update and revise the draft Ohio Administrative Code rules that ODNR began working on in 2008. The rules would provide an option for a littoral owner to obtain a submerged lands lease or a submerged lands permit. Chief Watkins said that council will be involved in the rule development process as they have in the past. Jim O’Connor said regulation of shore structures is needed because no one wants hideous or unsafe structures along the coast. Mr. O’Connor said that although animosity has existed in the past, in the future the regulatory program should be a partnership between littoral land owners and the state.

Coastal Design Manual Training on 12/07/2011 – Chief Watkins explained that training will be available for engineering and surveying professionals, public officials and others interested in attending to familiarize participants with the *Ohio Coastal Design Manual – First Edition* and provide guidance through an example project.

Lake Erie Shore Erosion Management Program (LESEMP) – David Spotts attended the Monday, October 17, meeting in Ashtabula where LESEMP recommendations for Ashtabula County were reviewed. Mr. Spotts said the LESEMP program was very helpful, up-to-date with the current events and a wonderful resource. Chief Watkins

noted that council members' packets included the two latest LESEMP products, a Glossary of coastal terminology and the Appendix: Erosion Control Methods. Chief Watkins said the second LESEMP Region recommendations for Cedar Point to Vermilion would be presented on November 16 in Huron.

Wind Energy – Council members asked about the status of offshore wind energy in Lake Erie and how leases for offshore turbines will be addressed. Chief Watkins said that the option to lease former Governor Strickland signed 01/07/11 with the Lake Erie Energy Development Co. (LEEDCo.) for 9 square miles about six miles offshore north of Lakewood is still in effect. If LEEDCo. meets the steps outlined in the option to lease and wishes to pursue a lease, the lease would follow the same Ohio Administrative Code rules that are used for littoral structures until alternative OAC rules are proposed and approved. ODNR is working on draft rules, however, there is no time table for when they will be published. Dr. Robert Heath said he is concerned with the potential impacts climate change will have and the duration of potential future leases. Ms. Sandy Bihn asked if the offshore turbines would be taxed the same as onshore power generation facilities. Ms. Bihn said she believes that they should be taxed at the same rate so schools and other entities receive the same benefit. Chief Watkins noted that 50 percent of all submerged lands lease revenue is given back to the community where the lease exists.

11:00 a.m. – Council Business

Executive Committee Report – Mr. Spotts reviewed the executive committee report.

Council Chair and Vice Chair appointments – Mr. Spotts introduced the members of committee assigned to recommend appointment of a new council chair and vice chair. Mr. George Goudreau, Dr. Heath and Mr. Jim Kastelic were the committee members. Mr. Goudreau presented the committee's methodology for selecting candidates which included having served at least two years on council. Mr. Goudreau presented the recommendations for the 2012 chair and vice chair positions of Mr. Tom Denbow and Dr. Heath respectively. The recommendations were discussed by council. Mr. Spotts asked if anyone else had recommendations to fill the positions. No one did.

Motion: To nominate Tom Denbow as the 2012 Coastal Resources Advisory Council chair and Dr. Robert Heath as the 2012 Coastal Resources Advisory Council vice chair.

Made by Mr. Szabo and seconded by Ms. Carrie Sowden. Unanimously approved.

Motion: To close the nominations for 2012 Coastal Resources Advisory Council chair vice chair.

Made by Mr. Szabo and seconded by Mr. Jason Boyd. Unanimously approved.

Motion: To appoint Mr. Tom Denbow as the 2012 Coastal Resources Advisory Council chair and Dr. Robert Heath as the 2012 Coastal Resources Advisory Council vice chair.

Made by Ms. Carrie Sowden and seconded by Mr. Szabo. Unanimously approved.

Local Updates – **Mr. Spotts** asked council members for updates from their communities. **Mr. Szabo** said the lighthouse on the west breakwater at Fairport Harbor has been sold by US Coast Guard to a private individual who is planning on turning it into a private residence. **Mr. John Keenan** said the commercial fisherman coming from Lorain/Lorain County into Ashtabula County offshore areas to cast their nets are becoming an issue. The sportsmen and the charter boat captains are upset and feel like the commercial fishermen are taking up all their fishing space. **Mr. O'Conner** said off of Lorain it appears that the netters are working the nets at night which he thinks they are

not supposed to out there that late/after dark. **Mr. Kastelic** said Dike 14 has been turned into a nature preserve. All 88 acres will be open in the future and five acres will be open in the near future. The Cuyahoga Soil and Water District secured a grant for cleanup of toxic land for burrowing animals. **Mr. Boyd** mentioned the issues with North Perry Marina. **Ms. Bihn** said that she toured the Detroit Waste Water Treatment Plant recently in relation to the excessive phosphorus loading of Lake Erie. Ms. Bihn said she wrote letter and got a response from the EPA/Director concerning water quality and algae, reaching out to agricultural community.

Mr. Vince Urbanski discussed wall erected to control erosion at Perry Park is failing at slow rate. They are looking for solutions and various options are being evaluated. **Mr. Spotts** mentioned the executive committee sent several letters to the director and have not received any response yet. He asked for an update. **Chief Watkins** said that the Acting Director Scott Zody had received and was appreciative of the letters. Dr. Heath said that Asian carp are being actively pursued via fishing by the state of Illinois 80 miles downstream from the electric barrier. **Dr. Heath** said while all the attention is being focused on the Chicago River, he believes more attention should be given to other fragile connection points such as in Fort Wayne. **Ms. Sowden** said the Great Lakes Maritime Museum and Historical Society is closed. Only the museum is moving from Vermilion to Toledo and will reopen there in 2013. They are currently working on the design of new displays for the new facility.

11:45 am - New Business

State Route 531 Issue

Mr. Spotts opened a discussion about the status of the State Route 531 project in Ashtabula County. The land north of State Route 531 has been eroding for years and the state is developing plans shore structures to be built north of the more than 2-mile stretch of road so it does not erode into Lake Erie. This portion of Ohio's coast is included in the Lake Erie Shore Erosion Management Plan for Ashtabula County – Reach AC 04: Meyers Road to Ninevah Road. ([Download Fact Sheet](#)). Chief Watkins said that ODOT is developing plans to construct a revetment along the coast. The coastal office has been working with ODOT and providing them technical assistance on the potential options to integrate into the stabilization project structures that improve access to Ohio's coast. Although ODOT has not yet submitted plans to ODNR on the proposed design of the structure, it does not appear that ODOT plans to integrate public access enhancement recommendations. Chief Watkins said ODOT is not obligated to do so. Chief Watkins said that ODOT is seeking complete jurisdiction over the portion of roadway, however, ODNR does not have the authority to assign jurisdiction. The Office of Coastal Management sent a letter to ODOT on November 2, 2011, hoping to obtain resolution on the issue and move forward. Mr. Goudreau said ODOT should have to get all the approvals that any other private residential or littoral owner would have to get if they were constructing a structure along Ohio's coast. Various council members said they think adding public access features to a shore structure stabilization proposal would be a win-win situation. They said it could showcase best management practices of coastal design and provide a positive economic impact to Ashtabula County and its coastal communities by providing additional tourism attractions. Council members said "the beaches of Ashtabula County" could be marketed to attract additional visitors. Various council members expressed interest in involving Ashtabula County officials in the discussion of the potential economic benefit adding public access along this portion of shore could have for their county. Chief Watkins said funding could be an issue and since a portion of the stabilization project is being funded with Federal highway money there may be additional requirements involved. Mr. Hageman suggested that the state look into using excise tax (?) funds for integrating the public access features. After additional discussion on the project, council agreed to have the executive committee meet prior to the end of the year and send a letter to the ODNR Director that is cc'd to the Ashtabula County Commissioners based on the following motion:

Motion: To recommend that the ODNR Director encourage the Ohio Department of Transportation to set a positive precedent for State Route 531's erosion control needs by designing a multi-use solution based on best management practices for coastal design that enhances recreational opportunities and shores up the road way. To acknowledge that improving recreational access to this portion of Ohio's coast can have

a positive economic impact to coastal communities by providing Ashtabula County an additional tourism attraction. And to encourage the ODNR to work with ODOT to find additional funding (grants if possible) to integrate the public access features into the shore structure's design and construction.

Motion made by Mr. Goudreau and seconded by Mr. Heath. Unanimously approved. Mr. Spotts abstained from voting.

12:35 p.m. – Lunch break

1:00 p.m. - New Business continued

2012 Meetings Dates – Council set the 2012 meeting dates and tentative locations as follows:

10 am Thursday February 9 at Old Women Creek National Estuarine Research Reserve. Council will be given an opportunity to tour new visitor center displays, an update on research at the Old Woman Creek and Gail Hess will be invited to update council on the status of the Lake Erie as pertains to phosphorus loading and the 2012 outlook for harmful algal blooms. Mr. Goudreau is not available on Feb. 9 as normally the first Thursday of this month is used for meeting dates. Mr. Goudreau is excused

10 am Thursday May 3 at the Castalia Fish Hatchery or the backup location of Rockwell Springs which Mr. Goudreau can arrange. The topic to be discussed is the status of the Lake Erie fishery.

10 am Thursday August 2 at an island location and/or Catawba Island/LE Shores and Islands Visitor Center, etc. The feature topic will be determined.

10 am Thursday November 1 at a location in Cleveland or eastward. The feature topic will be determined.

Appreciation of Service – Mr. Goudreau led council in thanking Mr. Spotts for his two years of service as the chair of the Coastal Resources Advisory Council.

2:00 p.m. - Adjourn

Motion: To adjourn.

Motion made by Mr. Boyd and seconded by Mr. Urbanski. Unanimously approved.



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Tom Denbow, Chair Robert Heath, Ph.D., Vice Chair

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December 7, 2011

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

Subject: S.R 531 Slope Stabilization Project, Ashtabula County
Ohio Department of Transportation

Dear Director Zehringer,

On behalf of all of the members of the Coastal Resources Advisory Council, I would like to congratulate you on your appointment as the new director of the Ohio Department of Natural Resources. I also want to let you know that we are here to serve you as statutorily defined in the ORC and look forward to being of service to you and the Ohio Coastal Management Program. Council members represent a broad cross section of citizens and stakeholders who are keenly interested in promoting, protecting, enhancing and encouraging the wise use of Lake Erie's coastal resources and its watershed. We look forward to the opportunity to be of assistance to you and the department.

At our most recent council meeting (November 3, 2011), the council was made aware of a project being sponsored by the Ohio Department of Transportation involving repairs to State Route 531 in Ashtabula, Ohio. This \$8.3 million project scheduled to begin construction in early 2013, will:

- Construct a 6-foot paved shoulder along both sides of SR 531,
- Resurface SR 531 pavement,
- Provide roadway drainage improvements,
- Repair and regrade the roadway slope and manage vegetation,
- Protect the toe of slope against various forces of Lake Erie including wave action, storm surge and wind/ice forces by designing new rock revetments, and
- Protect the toe of slope against these same forces by repairing existing revetments constructed in the 1970s and 1980s.

The project site is adjacent to Lake Erie, affording a truly unique scenic vista probably not found anywhere else in Ohio given the elevation of the road above the lake. At this point, we understand that stabilizing the slope is paramount to protect this important infrastructure and to provide for the safety of citizens. However, we believe that because of the unique location, ODOT in cooperation with ODNR and possibly other member agencies of the Ohio Lake Erie Commission, has a once in a lifetime opportunity to enhance this portion of Ohio's coastal zone by incorporating additional best management design features and amenities not currently part of the SR 531 renovation plan including:

- Providing recreational access in the form of turn outs, scenic overlooks and/or other recreational features including trail access and interpretative signage, that would allow the motoring public, bicyclist, fishermen and area residents to safely view and potentially access Lake Erie.
- Incorporating natural plantings and other features to help stabilize the slope, provide habitat diversity, and demonstrate techniques for restoring the Lake Erie shore that support the state's goals of reducing coastal erosion and providing sustainable solutions to nearshore erosion.
- Evaluating revetments or other coastal structures such as groin fields and detached breakwaters which may allow for the formation of a beach aiding in the protection of adjacent properties and creating nearshore habitat without negatively impacting adjacent landowners.

While the design process is well along, we believe that by incorporating these multi-use solutions, the project will have a positive economic impact in Ashtabula County and Ohio by offering additional recreational access and tourism opportunities. More importantly, we believe that initiating such a collaborative effort will demonstrate the state's commitment to managing its coastal resources as set forth in the Ohio Coastal Management Program and help Ohio Lake Erie Commission member agencies achieve the state's goals to coordinate policies and programs of state government pertaining to water quality, toxic substances, and coastal resource management. These goals include:

- Preserving Lake Erie's natural resources,
- Protecting the quality of its waters and ecosystem, and
- Promoting economic development of the region.

We realize that additional funding may be necessary and in these tough economic times it will be a challenge. However, under your leadership we encourage ODNR to work with ODOT and other state agencies that are committed to protecting our state's coastal resources to seek additional funding/grants to make a multi-use solution possible. Funding opportunities that could be explored include the [Federal Aid in Sport Fish Restoration Act](#), as amended, and commonly called the Dingell-Johnson Act or Wallop-Breaux Act, and the [Federal Aid in Wildlife Restoration Act](#), better known as the Pittman-Robertson Act. Both acts provide up to 75 percent of the funding for construction projects that provide public access for recreational fishing or wildlife observation.

We strongly believe that in matters related to protection of the Lake Erie and public access to the lake, ODOT should work in concert with all appropriate state agencies, including ODNR, to achieve its goals. On behalf of the council, we want to express our appreciation for the opportunity to serve you and ODNR and to provide you with our recommendations for preserving, protecting and enriching the coastal resources of the state of Ohio.

Very truly yours,



Tom Denbow, Chair

Ohio Coastal Resources Advisory Council