



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE  
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT  
Silver Spring, Maryland 20910

DEC 22 2000

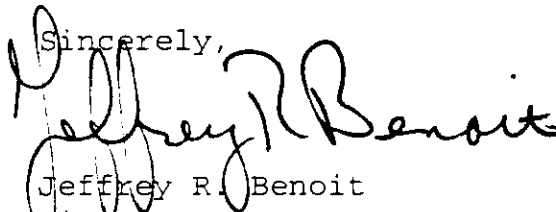
Mr. Samuel W. Speck  
Director  
Ohio Department of Natural Resources  
Fountain Square, Building D-3  
Columbus, Ohio 43244

Dear Mr. Speck

Enclosed are final evaluation findings for the Ohio Coastal Management Program for the period from May 1997 through May 2000.

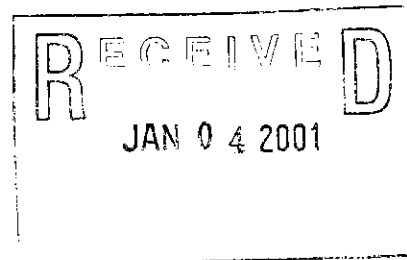
We appreciate the cooperation and assistance of your staff during the evaluation.

Sincerely,



Jeffrey R. Benoit  
Director

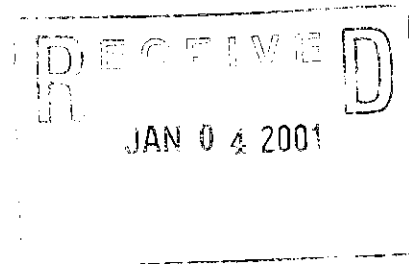
Enclosure





***Final Evaluation Findings  
for the  
Ohio Coastal Management Program  
from  
May 1997 through May 2000***

United States Department of Commerce  
National Oceanic and Atmospheric Administration  
National Ocean Service  
Office of Ocean and Coastal Resource Management





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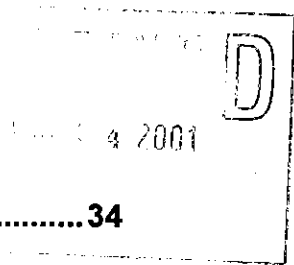
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## EXECUTIVE SUMMARY

### A. OVERVIEW

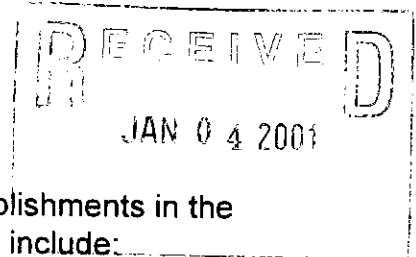
Section 312 of the Coastal Zone Management Act of 1972 (CZMA), as amended, requires NOAA's Office of Ocean and Coastal Resource Management (OCRM) to conduct periodic evaluations of state coastal management program implementation. This document sets forth the findings of the Director of OCRM regarding the performance of the Ohio Coastal Management Program (OCMP) for the period from May 1997 through May 2000. It examines how the Ohio Department of Natural Resources (ODNR), the lead management agency, has implemented and enforced the OCMP, addressed the coastal management needs in Section 303(2)(A) through (K) of the CZMA, and adhered to the terms and conditions of the NOAA financial assistance awards ODNR received.

Based on the criteria set forth at 15 CFR 923.135(a)(3), the Director of OCRM finds that Ohio is adhering to its federally approved coastal management program and is making improvements in implementing the provisions of its program.

### B. ACCOMPLISHMENTS

The Evaluation Team documented a number of accomplishments in the implementation of the OCMP during the review period. These include:

- 1. Staffing and Administration** - Programmatic and administrative support by the State of Ohio for OCMP's mission appears to be strong. OCMP receives significant support from the administrative levels of ODNR, inasmuch the ODNR Director identified coastal management as a priority for the Department. While the primary OCMP staff is relatively small in number, consisting of the program manager, assistant administrator, public information officer, secretary and local liaison, OCMP and its programs span the breadth of ODNR. Implementation of OCMP is achieved through coordination among the ODNR Divisions and the staffs responsible for varying aspects of coastal resource management.
- 2. Coastal Resources Advisory Council** - The Coastal Resources Advisory Council (CRAC) is an important linkage for policy development and public outreach. Created through Ohio's Coastal Management Act, the Council consists of 19 members representing a broad range of interests, experience and knowledge related to the management, use, conservation and development of



the coastal area. A highly motivated group, CRAC, took on the task of revising the administrative rules for leasing Lake Erie submerged lands. Adoption of these rules, in July 1999, was the result of a two-year effort of OCMP staff, CRAC and a sub-committee formed by CRAC that included non-CRAC members from the coastal area. Through the development of subcommittees and public meetings the administrative rules were amended to include a definition of erosion control structures, including reduced rental rates for such structures.

**3. Coastal Management Assistance Program** - The Coastal Management Assistance Grants (CMAG) Program is one element of OCMP's commitment to support local initiatives that protect and enhance Ohio's Lake Erie coastal resources. Each selected project addresses at least one of the priorities in ODNR's Strategic Action Plan for Coastal Management. CMAG provides funding to local communities in order to foster, coordinate and strengthen relationships that preserve, protect, restore and enhance coastal resources as well as balance development goals. Eligible CMAG projects include waterfront revitalization, wetland restoration, habitat enhancement, protection of historical and cultural resources and development of facilities that provide new or enhanced public access to Lake Erie. Approximately \$200,000 is made available, through the CMAG Program, each year.

**4. Coastal Erosion Areas (CEAs)** - Coastal Erosion Areas (CEAs) consist of land areas along Lake Erie that are anticipated to be lost due to Lake Erie related erosion within a thirty-year period if no additional approved erosion control measures are completed within that time. These are areas where recession is anticipated to exceed 9-feet in the next 30 years as defined in rule 1501.6-10 of the Administrative Code adopted in 1997 of the Ohio Coastal Management Law, enacted in 1988.

ODNR is responsible for the permitting of new permanent structures within these areas. The Division of Geological Survey designated areas after a two-year review of draft coastal erosion areas with input from shoreline property owners and other geologists and public officials. CEAs are defined by a "recession distance" that equals the average annual recession rate times thirty. "Recession" is the landward retreat of the shore due to erosion. Annual recession rates in feet per year are calculated and then recession distances are measured at points uniformly spaced along the shore. The official designation of CEAs was first made in June 1998 and only 37% of the Ohio coastline is designated within the CEA. At least once every ten years, ODNR will review and may revise CEAs taking into account recent natural and artificial changes affecting recession.

**5. Permitting and Technical Assistance** - Since formal approval of OCMP, the program has taken steps to streamline the coastal permitting process. Under the new consolidated permit application process, a single point of contact for the

Submerged Lands Lease, CEA permit, and the Shore Structure permit was established. ODNR's Division of Real Estate and Land Management (REALM) has provided technical assistance to local governments to support development of local ordinances, resolutions, standards and procedures for local enforcement of CEA permitting, where those governments have elected to administer the permit system. Bi-annual reviews of local enforcement actions are conducted.

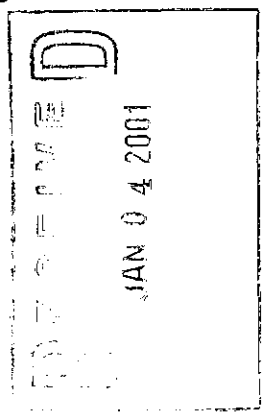
**6. Education and Outreach** - Public education and outreach are key elements of OCMP. During the review period, OCMP has funded a number of projects designed to educate and promote awareness of Ohio's coastal resources. Staff have made presentations at public forums, conducted workshops, and are active participants in coordinating annual Coastweeks events. OCMP has published and distributed educational materials such as landowner guides, teacher resource materials and informational fact sheets that promote OCMP and its programs, including guidance to coastal permitting requirements and processes.

**7. Partnering** - Since its approval, OCMP has been able to join and unite Federal and State agencies on a variety of projects in a way that they could not coordinate in the past. The OCMP serves an important role as a clearinghouse for information and a central point of contact. Through cooperative ventures with Federal, State and local governments, communities, and interest groups, OCMP staff have been able to provide direction and leverage funding for specific projects that address coastal issues.

Examples abound as to how the OCMP has coordinated and partnered with other entities and activities to enhance management of coastal resources within the State of Ohio. Close partners include Ohio Sea Grant which is based in Columbus; the Old Woman Creek Estuarine Research Reserve in Huron, which piggy-backs on the OCMP newsletter and hosts many meetings for the OCMP; the Ohio Lake Erie Commission out of Toledo; and the Coastal Resources Advisory Council (CRAC) which was created by, serves, and advises OCMP staff.

**8. Geographical Information Systems (GIS) Program Development** - During the review period the OCMP has supported a number of information and data gathering initiatives to assist in better coastal resource management decision-making.

**9. Initiation of Mentor Marsh Special Area Management Planning (SAMP) Process** During the review period, the OCMP assisted in the initiation of a special area management planning (SAMP) process in the area of the Mentor Marsh, City of Mentor Lagoons and Nature Preserve, and watershed in Lake County. The area and surrounding communities have experienced accelerated development due to the economic growth patterns and Lake County's prominence as an outmigration areas for the City of Cleveland to the west.



Other communities are experiencing major erosion problems due to poor planning, and the State Nature Preserve in this area is suffering from degraded water quality and the introduction of exotic species, primarily Phragmites.

As a result, a coalition of sixteen entities, including the City of Mentor, Village of Fairport Harbor, the Port Authority, Mentor Public Schools, Ohio Sea Grant, Lake Soil and Water Conservation District, Lake County Planning Commission, City of Painesville, Lake MetroParks, various ODNR Divisions and the OCMP, are represented on the a steering committee, now referred to as the Marsh Area Regional Coalition (MARC). OCMP staff is helping this coalition to address a broad array of issues that challenge this unique area through providing facilitation for the group to develop its plan and NOAA funding for consultant services to conduct the process, identify data needs, write reports and manage the progress of the coalition and special committees.

**10. National and Regional Participation** - The State has been successful in its bid to host the next international Coastal Zone Conference in July 2001. The conference will be held in Cleveland, Ohio; this is the first time that this conference will have been held in the Great Lakes. The State has partnered and continues to work with OCRM and NOS, NOAA Coastal Services Center in Charleston, South Carolina, several Federal agencies, other Great Lakes States; and the Old Woman Creek NERR on this project. It is an especially bold undertaking for a program so recently approved.

**11. Financial Assistance Award Management and Performance Reporting Requirements** - Review of award tasks and special award conditions indicates that ODNR has complied with the standard terms and special award conditions of the Federal financial assistance awards, including the submission of informative performance reports of high quality. In addition to meeting the standard requirements, the Evaluation Team was impressed by the obvious time and commitment that was put forth in each performance report and work product, in draft and final formats, submitted to OCRM.

## **C. SUMMARY OF RECOMMENDATIONS**

In addition to the significant accomplishments described above, OCRM has identified areas where the program may be improved. The seven recommendations contained in these findings are of two types: Necessary Actions and Program Suggestions. One recommendation takes the form of a Necessary Action, which is mandatory, and must be completed by the date indicated. All time periods are referenced from the date that OCRM transmits the final findings. Five recommendations take the form of Program Suggestions and are not mandatory at this time. However, Program Suggestions that must

be reiterated on consecutive evaluations to address continuing problems may be elevated to Necessary Actions.

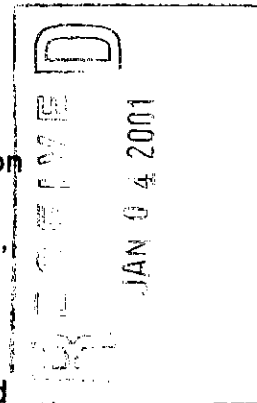
**Finding:** OCMP is a highly networked program involving the cooperation of 12 ODNR Divisions to effectively implement the program. Through ODNR's strategic planning efforts, the Integrated Management Team and specific issue subgroups, and cross-training workshops, much progress has been made in educating and enlisting help for the coastal management program. Yet the practice of employing various "percentages" of other Division's staff time may not effectively or efficiently maintain and broaden the capability and potential of OCMP. While the current system of borrowed staff may be cost-effective it presents a number of problems including supervisory responsibility and accountability for work projects.

**1. PROGRAM SUGGESTION:** ODNR should take the actions necessary to clarify and elevate the role of the OCMP Coastal Program Manager. The position should be empowered with adequate authority to implement the OCMP properly and perform a leadership role in coastal zone management policy formulation.

**Finding:** In a short time period, OCMP has been successful in advancing the goals and objectives of its program. As a relatively new program, OCMP has placed an initial emphasis on the permitting application and process, and development of public outreach materials that provide technical assistance to coastal property owners. For example, site visits by geologists from ODNR's Division of Geological Survey, housed at the CSC, are often made in conjunction with staff from the Division of Engineering or REALM. Materials about coastal geology and processes, shore protection, shore-structure permits, CEA permits, and submerged land leases, are distributed depending upon the needs of the site.

As a networked program, OCMP continues to face the challenge of visibility and public understanding. Plans to relocate and expand the facility for ODNR's CSC in Sandusky could provide a great opportunity for OCMP to further establish on-site presence. Accessibility to and by the public will assist in efforts to market the program and perhaps develop more name recognition.

**2. PROGRAM SUGGESTION:** Given the accomplishments of OCMP and the growth of the program as a result of those accomplishments, ODNR should conduct an assessment of OCMP's program functions, responsibilities and staffing required to effectively implement OCMP. This assessment should result in a strategy that addresses staffing needs in the areas of monitoring and enforcement, and outreach. The assessment should include a review



of program functions and the “location” of those functions, i.e. headquarters or ODNR’s CSC, in Sandusky. For example, locating additional staff and functions of OCMP at ODNR’s Coastal Services Center could have a very positive effect on coordination of OCMP various programs, increase efficiency, and provide a focal point for OCMP for local government, communities and the public.

*Finding:* Throughout the site visit and interviews, grantees and elected officials were complimentary of OCMP’s Coastal Management Assistance Grants (CMAG) Program. They cited it as straightforward, easy to understand and comply with, and felt the level of application detail was sufficient. Applicants noted that the contact person at CSC was very helpful in preparing and revising projects for review and approval.

**3. PROGRAM SUGGESTION:** ODNR/OCMP is encouraged to maintain the Coastal Management Assistance Grants Program, as currently implemented, as a means of supporting local initiatives that protect and enhance Ohio’s Lake Erie coastal resources thus furthering coordination and strengthening relationships among local governments, universities, nonprofit organizations and other stakeholders.

*Finding:* At the time of the site visit the State’s proposed capital budget included a \$2 million proposal for a new ODNR Coastal Services Center. This facility would co-locate ODNR staff from the Divisions of Geological Survey, REALM, Soil and Water Conservation, Water, and Watercraft into one State-owned building. All of the divisions mentioned are now housed in a leased facility. Some CSC staff are presently housed in an office in Sandusky where work space has reached its maximum capacity. The new facility, to be located on Sandusky’s waterfront, would provide larger accommodations for current and proposed staff, encourage public access and help revitalization the area. The facility will combine the administrative needs of the programs involved and provide an excellent opportunity to include an educational and outreach component for their programs to promote Lake Erie and its resources.

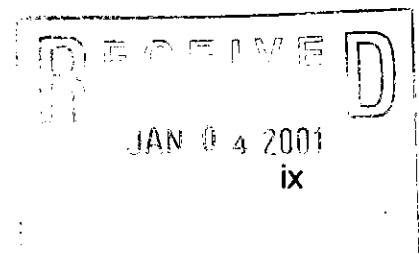
**4. PROGRAM SUGGESTION:** ODNR/OCMP is encouraged to continue its proposed plans to construct an ODNR Coastal Services Center that will house staff who provide technical assistance to coastal landowners and stakeholders along Lake Erie.

**Finding:** It was the impression of the Evaluation Team that the visibility and role of the OCMP in the community could be enhanced greatly by further strengthening the CRAC role as a link for public outreach. During program development, CRAC was a key participant and motivator for ensuring public participation, both formally and informally, through workshops, public meetings and hearings. It was clear to the Evaluation Team that the members of CRAC, which represent a broad range of interests and stakeholders in Lake Erie coastal resources, could assume a stronger liaison-outreach role addressing resource management issues among the various public property owners along Ohio's Lake Erie coast, including on-going concerns regarding implementation of the submerged land leases program. CRAC might consider engaging various communities in informal forums that would allow for a "round-table" approach, versus one of "Us vs. Them" or the "government vs. the property owner". This format may allow CRAC to better represent various factions of the general public and assist in advising OCMP staff on programs to meet community needs.

**5. PROGRAM SUGGESTION:** CRAC should consider developing a strategy to strengthen its liaison-outreach role to inform local officials, watershed protection groups, port authorities and private property interests on the benefits of the OCMP. (NOTE: Since the site visit the CRAC has identified and prioritized goals for the next two years. The Council has prioritized formation of more active linkages with local officials, the general public and others, and describes their role primarily as a liaison with those groups. They intend to dedicate new efforts toward improving mechanisms for broader participation in Council and OCMP initiatives.)

**Finding:** REALM's Resource Management Section administers the Federal and State consistency process and reviews approximately 140 projects per year to determine their consistency with OCMP. To the extent the administration of Federal consistency has involved the substantive review of an activity, OCMP draws on the expertise of other parts of ODNR and other State agencies, i.e. Ohio EPA.

However, during the 312 evaluation site visit many comments were expressed on OCMP's approach to Federal consistency. While the approach of drawing on the expertise of other Divisions and agencies was well supported and the program was complimented on increasing interagency cooperation, a number of agencies questioned the State's reliance on the issuance of State permits as the determinant of Federal consistency concurrence. These observations may be due to, in part, by the fact that the Federal Consistency role is being carried out by REALM's Resource Management Section which has responsibilities for activities other than coastal management.



The Evaluation Team understands that the general practice is to object to the Federal consistency certification until the State permits, identified in OCMP, have been issued. This practice is acceptable so long as all OCMP enforceable policies are contained in the State permits. If not, OCMP must ensure that all relevant enforceable policies are applied to a project.

**6. NECESSARY ACTION:** Within six months of these final findings, ODNR must provide NOAA with a description of how all relevant enforceable policies are applied to Federal actions during the State's Federal consistency review. Additionally, ODNR must develop and submit to NOAA a strategy that strengthens the Federal consistency component of OCMP and fully establishes the State and Federal consistency responsibility within REALM's Coastal Management Section as identified in the approved OCMP. This strategy must (1) take into account the significance and complexity of managing consistency in a networked program, and (2) based on the number of reviews per year, consider creating a permanent full-time position within REALM's Coastal Management Section responsible for effectively implementing Federal and State consistency.

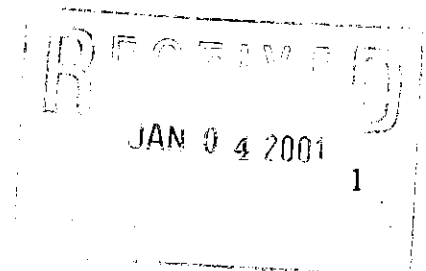
## I. INTRODUCTION

Section 312 of the Coastal Zone Management Act (CZMA) of 1972, as amended, requires a "continuing review" of the performance of states with approved coastal management programs. This document sets forth the findings of the Director, Office of Ocean and Coastal Resource Management (OCRM), National Oceanic and Atmospheric Administration (NOAA), with respect to the performance of the State of Ohio in carrying out and administering the provisions of the Ohio Coastal Management Program (OCMP) during the period from May 1997 through May 2000. This document contains: a summary of the findings and recommendations, a description of OCMP, a description of review procedures, review findings and recommendations, a discussion of programmatic changes to the OCMP during the review period, a conclusion and appendices.

The recommendations made by this evaluation appear in **bold type** and follow the section of the findings in which the facts relative to the recommendation are discussed. The recommendations may be of two types:

- (1) **Necessary Actions** address programmatic requirements of the CZMA regulations and of the OCMP approved by NOAA, and must be carried out by the date(s) specified. There is one Necessary Action within this document.
- (2) **Program Suggestions** denote actions which OCRM believes would improve the management and operation of the Program, but which are not mandatory at this time. Program Suggestions that must be reiterated in consecutive evaluations to address continuing problems may be elevated to Necessary Actions.

If no specific dates are given for carrying out a Program Suggestion or a Necessary Action, the State is expected to have successfully implemented the Necessary Action or Program Suggestion by the time of the next Section 312 evaluation. The findings contained within this document will be considered by NOAA in making future financial assistance award decisions relative to OCMP.



## II. PROGRAM REVIEW PROCEDURES

The Office of Ocean and Coastal Resource Management (OCRM) Evaluation staff began its review of the Ohio Coastal Management Program (OCMP) in May 2000.

This included: an analysis of OCMP, previous and current financial assistance award documents and reports, correspondence relating to OCMP, other relevant information and documents. The Evaluation staff worked with the Coastal Programs Division (CPD) staff in developing the request for information letter to the State.

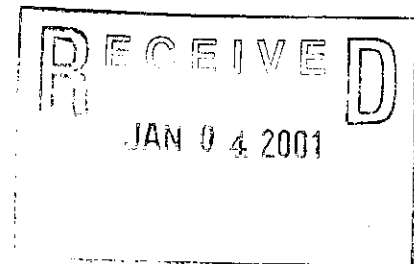
The Evaluation Team determined that the issues listed below, included in the request for information letter to the State, would receive particular attention during the site visit:

- The effectiveness of the Ohio Department of Natural Resources (ODNR) in permitting, monitoring and enforcing the core authorities which form the legal basis of OCMP;
- The manner in which ODNR provides technical assistance to local governments on coastal issues and an assessment of its effectiveness;
- The effectiveness of OCMP's use of the State and Federal consistency process as a management tool;
- The role of the Coastal Resources Advisory Council in OCMP;
- Status of State legislative actions which may affect OCMP;
- The manner in which ODNR is developing program improvements/enhancements and submitting OCMP program changes to OCRM;
- Agency and program coordination efforts with the Old Woman Creek National Estuarine Research Reserve;
- The manner in which OCMP coordinates with other State, local, and Federal agencies and programs;
- Status of ODNR efforts in public education and program visibility;

- Status of public access opportunities to the coastal zone;
- Opportunities for public participation, both formal and informal, in permitting and other decisions under OCMP;
- The manner in which ODNR exercises leadership through OCMP and addresses emerging coastal issues; and
- Status of Federal financial assistance awards and adherence to their programmatic terms and conditions.

Federal agencies involved with OCMP were notified by the Evaluation Team Leader of the review of OCMP and were requested to comment on the performance of OCMP during the review period.

An on-site visit was conducted by the Evaluation Team from June 26 through 30, 2000. The Evaluation Team consisted of Cheryl Graham, Team Leader, OCRM, Director's Office; Diana Olinger, Assistant Regional Manager, Great Lakes Region, OCRM, Coastal Programs Division; and Charles McCaffrey, Federal Consistency Coordinator, New York Coastal Program. The Team held an advertised public meeting in Huron on June 28, 2000, to receive input from the public and interested organizations on OCMP. During the site visit numerous interviews were conducted with State and local officials, environmental organizations, citizens, and Federal agencies to solicit their input on the performance of OCMP. A complete listing of the individuals interviewed during the site visit is found in Appendix A. Appendix B lists the public meeting attendees. The written comments received in response to the evaluation can be found in Appendix C.



### III. PROGRAM DESCRIPTION

#### A. Program Administration

The Ohio Coastal Management Program (OCMP) is implemented under the authority of the Ohio Coastal Management Act, passed in 1988, under the Ohio Revised Code Chapter 1506. In accordance with that statute, the Ohio Department of Natural Resources (ODNR) is designated as the lead agency to cooperate with other State agencies and political subdivisions in implementing OCMP through a networked approach. It provides for management of coastal erosion areas and the State's public trust property of Lake Erie and the lands underlying its waters, established two advisory councils and the Lake Erie Protection fund, and provided for grants to local communities, nonprofit organizations, and educational institutions for projects to enhance management of coastal resources. Ohio's coastal program as described in the OCMP final document and Final Environmental Impact Statement was approved by NOAA on May 16, 1997.

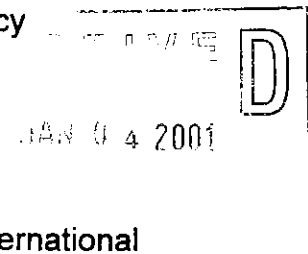
Within ODNR, the Division of Real Estate and Land Management (REALM) is charged with administering the OCMP. REALM is a multi-disciplinary division that administers a number of programs that support the accomplishment of OCMP objectives. The Division is responsible for comprehensive recreation planning, coordination of departmental environmental review processes, State and Federal consistency administration, coastal erosion area permitting, submerged lands administration, master land-use planning for lands under ODNR jurisdiction, computerized natural resources geographic information systems, real property acquisition, and administration of the NatureWorks Program.

Based on the State of Ohio's existing regulatory framework for managing coastal area activities, this structure serves as the basis of OCMP's authorities and policies and establishes an institutional framework to address coastal resources and issues in a comprehensive manner. The purpose of OCMP is to integrate management of the land and water resources of the coastal area in order to preserve, protect, develop, restore

and enhance these resources. OCMP provides a framework to guide public and private activities and cooperative endeavors in the coastal area. OCMP is composed of 41 policy statements within the following nine issue areas:

- coastal erosion and flooding
- water quality
- ecologically sensitive areas
- ports and shore area development
- recreation and cultural resources
- fish and wildlife management
- environmental quality
- energy and mineral resources and
- water quantity.

These coastal management policies, found in Chapter 5 of the OCMP document, promote the wise management of those land and water uses having direct and significant impacts upon the Lake Erie coastal area. Certain policies focus upon the protection of significant natural areas, such as wetlands; other policies have been established in an effort to simplify governmental procedures and foster agency cooperation regarding coastal activities.



**B. Coastal Boundary**

The Ohio coastal area includes all of the waters of Lake Erie to the international boundary with Canada, the islands in the Lake, and adjacent shorelands within Ohio. The inland coastal management boundary includes all shorelands subject to erosion or flooding, estuarine areas and wetlands, and other areas where the use of which may directly and significantly affect Lake Erie waters. The inland extent of the boundary varies based on the biogeographic features of the area. For example, the boundary extends inland approximately 16 miles along the Maumee River while in urban areas, the coastal boundary generally is less than a half mile from the shore. The inland boundary was developed based on substantial public input.

**C. Coastal Environment of Ohio's Lake Erie**

As part of the Nation's "fourth seacoast" or the Great Lakes, Ohio's Lake Erie consists of 262 miles of mainland and island shores, as well as 3,277 square miles of water with approximately 41% of the residents of the State living within the Lake Erie basin. Approximately 33,000 acres of valuable coastal wetlands in Ohio support at least 250 species of nesting birds, including the bald eagle. Shallow waters in the

island and bay region provide fish spawning grounds and nurseries, sustaining a commercial and sport fishing industry.

Lake Erie divides naturally into three major basins: western, central and eastern. The western basin, extending from Toledo to Huron, includes the Lake Erie Islands of Ohio. The most developed and populated islands are Kelleys Island and North, Middle and South Bass Island. Rattlesnake and West Sister Islands are smaller and less developed. The central basin extends from Huron to the Pennsylvania border where the eastern basin begins.

Ohio's portion of the western basin of Lake Erie includes about 450,000 surface acres of water and approximately 137 miles of shoreline. The area has numerous reefs and shoals, rocky islands, and sandy beaches. It is the most productive fish spawning and nursery grounds in the Great Lakes. Maximum water depth in the western basin is 46 feet, with an average depth of 24 feet. Bottom types range from sand and silt to hard packed clay and limestone bedrock.

Ohio's portion of central Lake Erie includes 1,783,000 surface acres of water and approximately 125 miles of shoreline. Maximum depth of the central basin is 80 feet, with an average depth of 56 feet. The bottom is made up of a gravel and shale bedrock covered in most areas by mud and sand.

Lake Erie water levels vary naturally over time in cyclical fluctuations, ranging from the record historical low of 568.31 feet in February 1936 to the record high of 574.16 feet in June 1986. Long-term average level of Lake Erie is 571.16 feet. Lake level varies naturally through precipitation and evaporation in the basin, inflow from the upper Great Lakes via Detroit River, and outflow into the Niagara River. Although four man-made diversions and two regulatory structures have some minor effect on Great Lakes water levels in general, no water level control structures exist specifically on Lake Erie.

Erosion along the Ohio shore of Lake Erie is a serious problem, especially in areas of high bluffs and erodible sand, clay and till. The two primary erosional processes are wave erosion and mass wasting. Natural factors such as beach distribution, near shore depths, storm frequency, lake level and shoreline orientation contribute to variations in rates of erosion over time and place to place. Erosion control structures and offshore disposal of sand dredged from harbors also contribute to variations and have exacerbated erosion problems in some areas. Recession rates vary from nominal along dolomite and limestone island areas to as much as 12 feet annually in portions of Lake and Ashtabula Counties. Of the 262 mile shoreline, approximately 157 miles, or 60%, are eroding at a rate greater than 0.3 feet per year.

#### IV. PROGRAM ACCOMPLISHMENTS

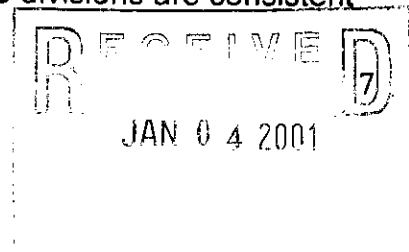
During the review period of May 1997 through May 2000, the Ohio Coastal Management Program (OCMP) has made significant strides in the management of the coastal area. Chief among the OCMP's accomplishments are:

##### A. Administration and Staffing

Programmatic and administrative support by the State of Ohio for OCMP's mission appears to be strong. While the primary OCMP staff is relatively small in number, consisting of the program manager, assistant administrator, public information officer, secretary and local liaison, OCMP and its programs span the breadth of ODNR. Implementation of the OCMP is achieved through coordination among ODNR Divisions and the staffs responsible for varying aspects of coastal resource management.

OCMP receives significant support from the administrative levels of ODNR, inasmuch the ODNR Director identified coastal management as a priority for the Department. As a result, ODNR embarked on a strategic planning process of coastal management. This process took place in 1996 and 1997 and identified six areas of strategic emphasis to guide ODNR's coastal resource management efforts and initiatives. These priorities are: (1) water resources and watersheds, (2) coastal land use and development, (3) coastal habitat, wetlands and natural areas, (4) coastal flooding and erosion, (5) recreational opportunities, and (6) fisheries and wildlife resources. The strategic planning goals also involved strengthening institutional relationships through better coordination of existing programs, establishing a consolidated and coordinated local assistance focus in the coastal region, improving ties with urban center planners, promoting aggressive research programs, and identifying and pursuing additional funding opportunities for coastal area protection programs. ODNR is using the strategic planning process to guide funding and resource allocation priorities in the various divisions and implementation of the OCMP.

ODNR has also supported OCMP through the establishment of an Integrated Management Team (IMT). The IMT assists REALM in coordinating and executing coastal management responsibilities. The IMT consists of key individuals representing ODNR Divisions who work cooperatively with REALM Coastal Management Section to implement the OCMP to ensure that actions of their respective divisions are consistent



with OCMP and ultimately to ensure that ODNR actions are consistent with coastal management policies. Each division, with significant relevant coastal responsibilities, serves on the management team. Individuals from REALM, and the Divisions of Natural Areas and Preserves (DNAP), Parks and Recreation, Forestry, Soil and Water Conservation, Water, Watercraft, Wildlife, Geological Survey, and Engineering comprise the ODNR IMT. The entire team meets regularly and subgroups meet with respect to specific issues as they arise. During this review period, subgroups of the IMT have addressed coastal nonpoint pollution initiatives, coastal hazards and inventories, and prioritization of the strategic plan matrix for ODNR Coastal Services Center activities.

OCMP also employs a Policies and Programs Coordinating Committee (PPCC) to ensure continuing communication among the agencies networked in the program and to help coordinate the activities of the agencies. The PPCC consists of the Coastal Management Administrator, Executive Director of the Lake Erie Office, individuals designated by the directors of the five agencies in addition to ODNR on the Lake Erie Commission, and individuals designated by the Ohio Historical Society.

Due to the networked nature of the OCMP, it is important that all participants are well-versed in the various elements of the program. In an effort to keep ODNR staff up-to-date on OCMP programs and policies, OCMP held a cross-training workshop. The two primary purposes were to assure that ODNR staff are well informed on all divisions' coastal programs and to initiate new cooperative efforts. Ultimately the goal is to improve the Department's ability to provide more coordinated resource management and technical assistance to the public. Eleven divisions participated in the workshop, and seventy-nine people attended. Topics focused on streams and watershed management, coastal hazards, habitat, enforcement and permits, education and interpretation, Lake Erie geographic information services and information needs of coastal management, and financial assistance.

The workshop provided opportunities for division representatives to inform other attendees on the area of coastal concern that their division deals with, emphasizing the highlights of their programs. This cross-training workshop provided a forum to educate ODNR staff on the policies, programs and issues the divisions are focusing on under the ODNR Coastal Management Priority. ODNR plans to continue these workshops to keep all divisions informed on coastal issues.

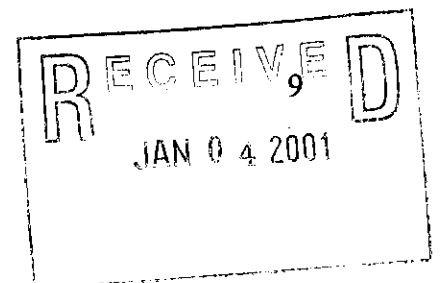
In addition, ODNR established the Coastal Services Center (CSC) in Sandusky, Ohio, as a mechanism to provide technical assistance to coastal landowners and stakeholders along Lake Erie. Staffing at the CSC includes personnel from ODNR's Divisions of Engineering, Geological Survey, Watercraft and REALM's Coastal Management Section. This coastal presence provides OCMP and ODNR a field office that is readily accessible to constituents directly involved in applying for coastal permits. Staff at CSC have begun to develop a relationship in the community and will be able to promote the missions of ODNR, OCMP and overall coastal stewardship. The opportunity to relocate the office will be a part of a waterfront revitalization effort that is being planned in Sandusky.

#### **B. Coastal Resources Advisory Council (CRAC)**

The Coastal Resources Advisory Council (CRAC) is an important link for policy development and public outreach. Created through Ohio's Coastal Management Act, the Council consists of 19 members representing a broad range of interests, experience and knowledge related to the management, use, conservation and development of the coastal area. It annually selects a chair from its members and hold meetings at least quarterly in the coastal area. Meetings are open to the public, as are the records of these meetings.

The CRAC advises and make recommendations to the ODNR Director on the development of coastal management policies, plans and programs, and on ways to enhance cooperation among governmental agencies having an interest in coastal management. REALM assures effective interaction between CRAC and OCMP by involving members of the ITM and PPCC in quarterly meetings. OCMP staff serve as staff to CRAC in order to provide useful and up-to-date information on various issues affecting the coast. During the review time and since Federal approval of the OCMP, CRAC meetings and members have addressed issues such as coastal nonpoint pollution and submerged lands leasing.

A highly motivated group, CRAC, took on the task of revising the administrative rules for leasing Lake Erie submerged lands. Adoption of these rules, in July 1999, was the result of a two-year effort of OCMP staff, CRAC and a sub-committee formed by CRAC that included non-CRAC members from the coastal area. The administrative rules were amended to include a definition of erosion control structures, including reduced rental rates for such structures. Other amendments modified other sections of the rule to provide simplification in the lease application and execution processes and to conform to statutory amendment.



### **C. Coastal Management Assistance Grants (CMAG) Program**

The Coastal Management Assistance Grants (CMAG) Program is one element of OCMP's commitment to support local initiatives that protect and enhance Ohio's Lake Erie coastal resources. Each selected project addresses at least one of the priorities in ODNR's Strategic Action Plan for Coastal Management, discussed in previously in these findings. CMAG provides funding to communities in order to foster, coordinate and strengthen relationships that preserve, protect, restore and enhance coastal resources as well as balance development goals. Eligible CMAG projects include waterfront revitalization, wetland restoration, habitat enhancement, protection of historical and cultural resources and development of facilities that provide new or enhanced public access to Lake Erie. Approximately \$200,000 is made available annually through the CMAG Program.

A dedicated local liaison administers the CMAG process for review, awarding, and on-the-ground monitoring and coordination of projects designed to achieve resource protection and balance development goals within the coastal area. The liaison troubleshoots and identifies, in cooperation with local planners and agencies, local resource management needs and opportunities. The liaison also assists local governments in exploring and obtaining additional funding opportunities through other innovative and creative mechanisms. Workshops are held in the coastal area to educate local officials regarding the CMAG Program, discuss project ideas with OCMP staff, and explore other funding mechanisms.

During the review period, individual grants to local communities and organizations (which require a 40% match) have ranged between \$5,000 to \$70,000. Projects, funded in part by OCMP, include:

**Cleveland Lakefront Bikeway** - The Cuyahoga County Planning Commission received funds to enhance access by linking public spaces, historical resources and the lakefront for pedestrians and bicycles. The Commission has begun preliminary planning for a north-south link that will ultimately provide Lake Erie access by connecting the area north of Akron to the Cleveland Lakefront Bikeway. Part of this connection, planned by the Cleveland Metroparks, would extend the towpath trail from the Cuyahoga Valley National Recreation Area to the intersection of Harvard and Jennings Road and on to the Cleveland Metroparks Zoo. The final link, being studied and designed with CMAG funds, would extend from the intersection of Harvard and Jennings Road north to Columbus Road and the nearby northern terminus of the Ohio and Erie Canal. This final link presents many physical design challenges but offers many exciting opportunities to develop trailheads, recreation areas and waterfront access. There will be views of LTV Steel and the Cuyahoga River as the bike route winds through the

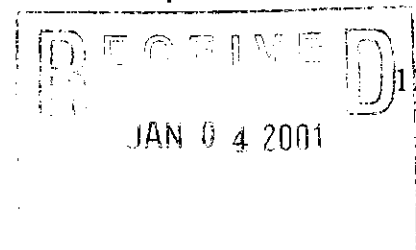
Tremont Historic District and ultimately connects with the Cleveland Lakefront Bikeway. When all phases are completed, the trail will be 5.1 to 5.4 miles long and will link areas of historical and cultural diversity and unique natural areas.

**Huron Waterfront Walkway** - The concept is to create a series of walkways that will keep physical access and visual corridors to Lake Erie and the Huron River open to the public. This walkway will preserve and enhance the shoreline and meet the City's goal of balancing the natural resources, residential, commercial and industrial interests in this coastal area. This phased project will link walkways from the amphitheater/boat basin along the shoreline to a lake overlook and the Confined Disposal Facility. Another phase runs along Main Street south to the Huron River Bridge.

The Huron Waterfront Walkway will connect historical, cultural and recreational places of interest for tourists and residents. Marsh areas, such as the one at the Confined Disposal Facility, will be incorporated into the walkway and will offer bird-watching of resident and migratory fowl as well as viewing areas for different types of flora. The walkway will also utilize existing streets and pass other areas rich in history including various churches, the Huron Historical Society and the Lightkeepers house. Signage, exhibits and seating will complement the scenic vistas.

**Marblehead Lighthouse** - In January 1997, the Historic Marblehead Lighthouse in Ottawa County was declared surplus Federal property by the U.S. Coast Guard. On recommendation of the National Park Service, the General Services Administration accepted ODNR's application to assume ownership of the historic property. The lighthouse is one of the best known and most photographed landmarks on Ohio's Lake Erie shore. In taking ownership, ODNR will invest up to \$1 million over the next several years to rehabilitate the 176-year-old lighthouse, protect it from shore erosion and provide visitor amenities. Preliminary renovations to allow public tours to commence were funded through OCMP's CMAG Program.

**Upper Black River Master Plan** – The City of Lorain and the Lorain Port Authority received funding through OCMP's CMAG Program for the Upper Black River Master Plan. The master plan focuses on a 400-acre site along the Black River that has been used partially as a landfill. Another portion of the site was formerly used for agriculture but is now wooded; and finally, the water's edge once housed a port facility. The City's goal for the plan and the property include: create a catalyst for growth for the City of Lorain, stewardship of the land and river, and enhance the City's fiscal base. Possible proposals include creating a park/recreation/golf area where the former landfill is located. Due to the requirement of capping the remaining landfill, this recreational proposal continues to grow in popularity. Furthermore, a golf recreation area is not currently available within the City of Lorain. Wetland areas within the parcel will be



retained in the proposed plan and a light industrial park development, accommodating approximately thirty sites, is also proposed. In an effort to provide access to Lake Erie, a bike/hike trail along the river will be incorporated.

**Western Lake Erie Coastal Sanitary Survey** – Coordinated through the Toledo Metropolitan Area Council of Government, this study evaluated failed septic systems in Lucas and Ottawa Counties. Both counties, bordering Lake Erie, have shallow bedrock and high groundwater; common causes of failed septic systems. Stream sampling and septic system dye testing were conducted that identified failed systems. An educational brochure “Your Septic System: Start Right-Save Lake” was produced for Lucas and Ottawa County Health Departments. In addition, copies of the educational video, “Dollars Down the Drain”, were produced and distributed to residents that installed or upgraded their septic system. Of the identified failed systems, over half have been replace or repaired.

#### **D. Coastal Erosion Areas**

Coastal Erosion Areas (CEAs) consist of land areas along Lake Erie that are anticipated to be lost due to Lake Erie related erosion within a thirty-year period if no additional approved erosion control measures are completed within that time. These are areas where recession is anticipated to exceed 9-feet in the next 30 years as defined in rule 1501.6-10 of the Administrative Code adopted in 1997 of the Ohio Coastal Management Law, enacted in 1988.

CEAs were designated to provide information to shoreline property owners, prospective buyers and local communities that will promote sound decisions regarding development and redevelopment in and near erosion prone areas. Enforcement of CEAs through permits for the construction of permanent structures will ensure that erosion control measures are effective and are installed concurrent with new development. Designation of a CEA and the permit requirement does not restrict development, but does provide information and incentives to locate the development outside the higher risk areas.

ODNR is responsible for the permitting of new permanent structures within these areas. The Division of Geological Survey designated areas after a two-year review of draft coastal erosion areas with input from shoreline property owners, other geologists and public officials. CEAs are defined by a “recession distance” that equals the average annual recession rate times thirty. “Recession” is the landward retreat of the shore due to erosion. Annual recession rates in feet per year are calculated and then recession distances are measured at points uniformly spaced along the shore. The

official designation of CEAs was first made in June 1998 and only 37% of the Ohio coastline is designated within the CEA. At least once every ten years, ODNR will review and may revise CEAs taking into account recent natural and artificial changes affecting recession.

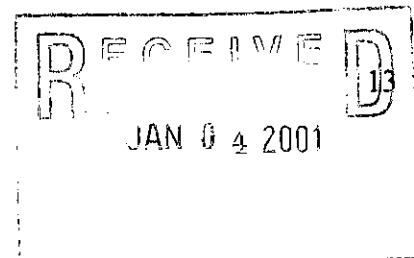
ODNR's Division of Geological Survey administers the CEA program by responding to requests for technical assistance and making recommendations regarding site-specific coastal erosion-related resource problems and viable approaches to address them. Geological Survey staff perform site evaluations and coordinate with REALM and Water and Engineering staff on each site visit to ensure that recommendations and subsequent actions are consistent with OCMP policies and meet the requirements of coastal management law.

### **E. Permitting and Technical Assistance**

Since formal approval of OCMP, the program has taken steps to streamline the coastal permitting process. Under the new consolidated permit application process, a single point of contact for the Submerged Lands Lease, CEA permit, and the Shore Structure permit was established. Due to the newness of the process, it is difficult to determine at this time, whether or not the program is successful. However, during the Evaluation's public meeting, a number of private landowners voiced discontent with the permit program, specifically the submerged lands lease requirements of the State. It was further suggested that private property owners be exempt from the lease fees while the State could continue to collect fees from commercial entities. ODNR and OCMP staff have acknowledged that there is a critical need to further investigate the concerns of the public and address these issues.

During the review period, Geological Survey staff initiated and continued to compile a shore structure inventory, providing critical information of the type, location, relative effectiveness, and impacts, of erosion control measures along Ohio's Lake Erie coastline. Field crews have cataloged and located erosion control measure with GPS equipment, and these data have been entered into a database that will be combined with coordinates to develop GIS data layers. This information will provide a technical foundation for comprehensive planning at State and local levels.

Additional technical assistance has been provided to the public through a toll free Coastal Help Line. This toll free line provides the public with easy access to ODNR Coastal Services Center (CSC) staff and allows CSC staff to answer questions and



address numerous requests. In one six-month period, the Help Line received over 400 calls. Approximately 35% of these calls requested technical assistance dealing with coastal erosion and the permitting process and the remaining calls were requests for general information about Lake Erie.

## F. Education and Outreach

Public education and outreach are key elements of OCMP. During the review period, OCMP has funded a number of projects designed to educate and promote awareness of Ohio's coastal resources. Staff have made presentations at public forums, conducted workshops, and are active participants in coordinating annual Coastweeks events. The OCMP has published and distributed educational materials including landowner guides, teacher resource materials and informational fact sheets that promote the OCMP, including guidance to coastal permitting requirements and processes.

The Ohio Coastal Management Program Newsletter is published quarterly to inform coastal communities, organizations and agencies participating in the OCMP on the progress and activities of ODNR. This newsletter has proven to be a useful coordinating and informational tool among the 12 Divisions within ODNR that make up the OCMP networked program. This coordination effort has allowed the staff at Old Woman Creek National Estuarine Research Reserve to promote its programs through this publication, without having to duplicate efforts or costs associated with producing a newsletter. The OCMP web site for the program, which is updated monthly is linked to ODNR and NOAA OCRM web pages.

Additional education and outreach activities include:

***Coastal Guidance Sheets***- One page information sheets that provide the regulated public with information on coastal regulations, shore structure permits, submerged land management, CEAs and consistency. These fact sheets accompany every ODNR coastal permit and lease application forms and provide answers to frequently asked questions and contact numbers.

***Public Trust Doctrine Workshops*** - Due to the controversy surrounding Lake Erie submerged lands management, OCMP felt it was in the best interest of the program to better educate resource managers and regulators on the complex issues of the Public Trust Doctrine. OCMP contracted with the University of Toledo's Legal Institute of Great Lakes (LIGL) to conduct training workshops for state and local officials who deal with uses of Lake Erie and other navigable waterways. Key points of the workshop

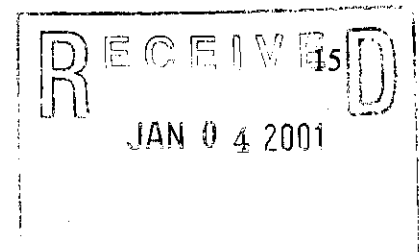
stressed the fact that the Public Trust Doctrine is a dynamic common law doctrine that evolves within sovereign states. For example, the right of the public to use of trust lands and waters for recreational purposes has come to be established specifically in most states, including Ohio. In Ohio, the Public Trust Doctrine has been relied upon to support claims for natural resource damages.

The workshops described the role of the State as trustee for the public of navigable waters and, in the case of Lake Erie, the submerged lands and their contents. While the beds of streams are generally privately owned in Ohio, there is a Public Trust interest in all waters determined to be "navigable". Participants had opportunities to interact with speakers on issues related to the rights of the public, limitations on riparian and littoral owners, government agencies and the legislature, and responsibilities of the government agencies to strike a balance between public and private rights. Deemed successful, this program may be offered by the LIGL in the future for continuing education for attorneys.

***Coastal Lake-Aware Kids Engaged in Relevant Science (LAKERS)*** –OCMP staff have assisted the Old Woman Creek National Estuarine Research Reserve in promoting coastal environmental education through LAKERS workshops specifically designed to reach teachers and natural resources educators. This one-day workshop includes interactive hands-on activities to assist the participants in learning more about the Great Lakes and Lake Erie in particular. At the completion of the workshop participants depart with a LAKERS workbook of activities, ideas on how to present coastal issues, posters, and other visual aids. The workbook contains activities on such topics as: Lake Awareness, Human Activities (debris), Shore Processes (erosion, water levels) and Shoreline Clean-up. LAKERS materials were developed as a cooperative project of the Ohio Lake Erie Commission and the Ohio Sea Grant Education Program.

***Adopt-A-Beach*** – OCMP has partnered with ODNR Division of Parks and Recreation in the development and implementation of an Adopt-A-Beach Program. The program is designed so that the public can help the environment through planning a beach clean-up or a habitat restoration project at one of the Ohio State Park beaches along Lake Erie.

***Coastal Permits and Lease Workshops*** – Sponsored by ODNR Division of Engineering, these workshops targeted engineers, contractors and public officials on regulations relating to erosion control measure construction. This one day workshop included presentations on the ODNR engineering permit, submerged lands leases, CEA program, and Federal consistency. Speakers from related programs, such as the U.S. Army Corps of Engineers and the Ohio EPA, were on hand to present an overview of programs and assist in understanding coastal issues that affect Lake Erie. The goal



of the workshop was to clarify the requirements and interrelationships of coastal permits for the applicant so that complete and accurate applications can be submitted and processed more efficiently. The workshop also provided ODNR with the opportunity to receive feedback about the application and permitting process from those that directly participate in the process.

## **G. Partnering**

Since its approval, OCMP has been able to join and unite Federal and State agencies on a variety of projects in a way that they could not coordinate in the past. The OCMP serves an important role as a clearinghouse for information and a central point of contact. Through cooperative ventures with Federal, State and local governments, communities, and interest groups, OCMP staff have been able to provide direction and leverage funding for specific projects that address coastal issues.

Examples abound as to how the OCMP has coordinated and partnered with other entities and activities to enhance management of coastal resources within the State of Ohio. Close partners include Ohio Sea Grant which is based in Columbus; the Old Woman Creek Estuarine Research Reserve, which piggy-backs on the OCMP newsletter and hosts many meetings for the OCMP; the Ohio Lake Erie Commission in Toledo; and the Coastal Resources Advisory Council (CRAC).

Below are brief summaries of some of the partnerships and projects supported by funds and staff through OCMP:

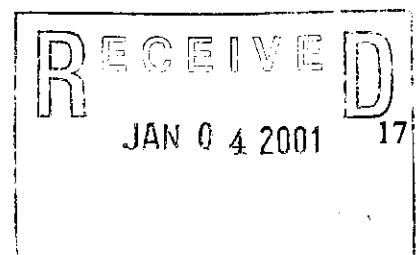
***Old Woman Creek National Estuarine Research Reserve (OWCNERR)*** - The OWCNERR has a strong institutional relationship with the OCMP as a result of ODNR's interdisciplinary environmental reviews, nonpoint pollution management, coastal wetlands research and wetlands protection policies. A memorandum of understanding between ODNR Division of Natural Areas and Preserves, for OWCNERR, with REALM sets forth Ohio's policy to fully integrate OWCNERR into Ohio's broad-based approach to managing Lake Erie's coastal resources. This formal arrangement promotes a substantive and collaborative working relationship between the programs. Both programs cooperate in mutual administrative support, provide technical and other assistance in implementing the OCMP. For example, Reserve activities and are published in the OCMP newsletter and staff from both programs assist in conducting coastal decision maker workshops and education programs. The OWCNERR Manager is a member of the OCMP Integrated Management Team and the OCMP Manager serves as an ex-officio member of the OWCNERR Advisory Committee.

**Ohio Lake Erie Commission/Ohio Lake Erie Office** – The Ohio Lake Erie Commission, established by the Ohio Assembly in 1990, was created to focus additional attention and resources on protecting and restoring Lake Erie. The Commission is comprised of the Directors of the Ohio EPA and the Ohio DNR, Agriculture, Health, Transportation, and Development. In order to be fully functional and effective, the Ohio Lake Erie Office was formed and opened in 1992. Located in Toledo, the office serves as staff to the Commission, administers the Lake Erie Protection Fund, organizes Ohio's annual Coastweeks celebration and prepares the Governor's State of the Lake Report (described below).

Continual coordination takes place between OCMP and the Ohio Lake Erie Office and Commission. OCMP staff have participated in the development of the Commission's strategic plan and assisted with the Lake Erie Quality Index report which was released in 1998. This "report card" evaluated 10 separate indicators of Lake Erie quality which included: water quality, pollution loading, habitat, biological, coastal recreation, boating, fishing, beaches, tourism and shipping. The Lake Erie Quality Index was an effort to gather all available data measuring the status or quality of the Lake Erie ecosystem, establish specific quality goals for further attainment, and finally create indices to communicate the current condition of the Lake to the citizens of Ohio.

The Lake Erie Protection Fund, supported through the proceeds of the Lake Erie License Plate Program, supports Lake Erie related research, restoration and implementation projects. This program has generated more that \$2.9 million in the last three years. In an effort to avoid duplication of projects, OCMP staff participate on the Commission's Grants Committee. Success of OCMP's own coastal grant program has assisted the Commission and Lake Erie Office staff in reformulating policies regarding the awarding of grants from the Lake Erie Protection Fund.

**Ohio Sea Grant College Program** – Administered by the Ohio State University, the Ohio Sea Grant College Program is a partnership of Ohio colleges and universities, agencies, industries, the public and Federal government, working to increase the enjoyment, development and balanced use of Lake Erie and marine resources. OCMP works directly with Ohio Sea Grant and indirectly through the Ohio Lake Erie Office to publish information on coastal management issues and promote a better understanding of the problems and opportunities in protecting, developing and restoring coastal resources. ODNR and agencies networked in OCMP publish articles about policies and programs affecting Lake Erie interests in the Lake Erie Commission supplement to Ohio



Sea Grant's bimonthly publication, *Twine Line*. Ohio Sea Grant staff and extension specialists consult ODNR on a wide range of coastal issues and participate in meetings of the OCMP's CRAC. Such interaction enhances the Council's ability to make sound recommendations on policies, plans and programs for long-term, comprehensive coastal management.

**Great Lakes Historical Society** - The Lake Erie Shipwreck Center officially opened in April 1999. The Center is adjacent to the Inland Seas Museum which was purchased by the Great Lakes Historical Society. The Center is a user-friendly facility where professionals or those interested in Lake Erie shipwrecks and other submerged cultural resources can use computerized databases as well as traditional materials to obtain information. The Center will serve clearinghouse and outreach functions by establishing a repository for information on Ohio's maritime resources.

OCMP has supported this Center by providing partial funding for the development of the first comprehensive, publicly accessible image database containing vessel data and images of approximately 10,000 Great Lake vessels. Initial funding for this project was provided by the National Park Service's National Maritime Heritage Grant Program. The "Vessels of the Great Lakes" image database will be easily updated and expanded to include additional maritime resource data sets significant for the study of maritime heritage of Lake Erie and the Great Lakes region. It is envisioned that this database will provide the historical data essential for a comprehensive inventory and management plan for Lake Erie's maritime coastal resources. This project fits neatly within ODNR's desire to pursue "underwater preserves" that would allow the state to manage and protect submerged cultural resources, such as shipwrecks, through the designation of these "preserves."

## **H. Geographical Information Systems (GIS) Program Development**

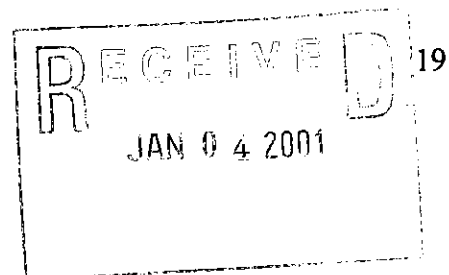
During the review period OCMP has supported a number of information and data gathering initiatives to assist in better coastal resource management decision-making. To this end, the Lake Erie Geographic Information System (LEGIS) was established to support the functions mandated under OCMP and to support broader activities related to resource stewardship goals of ODNR as identified in ODNR's Strategic Action Plan for Coastal Management. LEGIS consists of a variety of computer platforms and application software operating over a sophisticated computer network, building on and upgrading existing ODNR systems.

Presently, data layers in the LEGIS include groundwater pollution potential, groundwater availability, well logs, flood plain maps, land cover, identification of prime farmland and soils for all nine coastal counties. Other data layers include, hydrography and roads, railroads, ODNR-owned lands, watersheds, and the wetlands inventory for the entire Lake Erie basin. LEGIS applications are threefold: general inquiry, map creation, and scientific analysis.

As a participating agency of the Ohio Lake Erie Commission, ODNR assisted in the development of a Coastal Resources Inventory (CRI) that is accessible and useful to answer resource management and development questions. The goal is to have the capacity to make objective, information-based decisions about the preservation, protection, restoration, development and management of Ohio's Lake Erie coastal resources. OCMP program manager was the team leader for this project. The inventory data includes, but is not limited to, land use, transportation, recreation, cultural resources, tourism, development, biological and geological resources, and physical and biological stressors. CRI helped establish baseline information for a Lake Erie Quality Index and Monitoring Network. The Quality Index allows Ohio to periodically report on the state of Lake Erie (discussed earlier), determine the effectiveness of its management and regulatory programs, and determine priorities for Lake Erie protection and restoration efforts. The Monitoring Network allows the State to effectively evaluate future trends in the Lake Erie ecosystem and quickly detect significant perturbations.

Basic goals of LEGIS and CRI are to improve ODNR service to the public through, for example, decreased time to issue permits and submerged land leases, and providing natural resource information to local governments, planning agencies and the public in a more efficient and effective manner. The effort also seeks to reduce redundancy in spatial data collection and storage, increasing consistency and improving scientific validity in the decision-making process, and promoting improved coordination among ODNR Divisions. CRI further complements LEGIS by linking ODNR's spatial data development and management system with other potential users through an Internet-based CRI. At the time of the site visit, a CRI web site had been developed and demonstrated.

OCMP is also participating in a comprehensive project that looks at public access to Lake Erie. Expanding on a previous access study that provided an inventory of all public boating and fishing facilities, the Lake Erie Access Project (LEAP) contains an inventory of: shoreline parks, cultural resources such as historical sites, natural areas, wildlife refuges, harbors of refuge, boats ramps and launches, shoreline fishing areas, parks and beaches. Nearing completion, the project, will include a database of all shoreline sites accessible to the public and this information will be attached to a



geographically referenced aerial photograph of the shoreline. In addition to existing inventory, data regarding population distribution, street locations, and a variety of natural features in the surrounding area are being gathered. Needs assessments can be accomplished with this computerized data and will allow ODNR to prepare plans and make recommendations that enhance public access to Lake Erie along the waterways throughout the coastal area. Recommendations of the data may (1) identify specific locations where additional access could be developed, (2) identify locations where current sites should be improved, and (3) provide broader policy direction for the future.

## **I. Initiation of Mentor Marsh Special Area Management Planning (SAMP) Process**

During the review period, OCMP assisted in the initiation of a special area management planning (SAMP) process in the area of the Mentor Marsh, City of Mentor Lagoons and Nature Preserve, and watershed in Lake County. The area and surrounding communities have experienced accelerated development due to the economic growth patterns and Lake County's prominence as an outmigration area for the City of Cleveland to the west. Other communities are experiencing major erosion problems due to poor planning, and the State Nature Preserve in this area is suffering from degraded water quality and the introduction of exotic species, primarily Phragmites.

As a result, a coalition of sixteen entities, including the City of Mentor, Village of Fairport Harbor, the Port Authority, Mentor Public Schools, Ohio Sea Grant, Lake Soil and Water Conservation District, Lake County Planning Commission, City of Painesville, Lake MetroParks, various ODNR Divisions and OCMP, are represented on the steering committee, now referred to as the Marsh Area Regional Coalition (MARC). OCMP staff is helping this coalition to address a broad array of issues that challenge this unique area by providing facilitation for the group to develop its plan and NOAA funding for consultant services to conduct the process, identify data needs, write reports and manage the progress of the coalition and special committees.

MARC has met to develop a mission and vision statement, and has identified and prioritized 27 strategic issues. Six task forces have been established to address these issues. These task forces are: wetlands and biodiversity; water quality; local land use plans and controls, economic development and environmental conflicts; shoreline management and nearshore issues; recreation and public access; and comprehensive resource inventories.

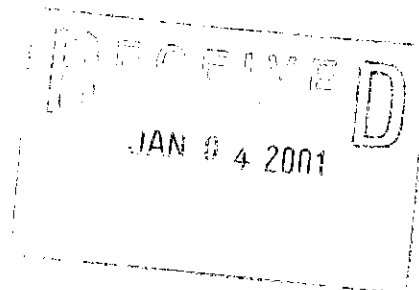
To assist with the process, the Ohio State University, School of Natural Resources has recently received CMAG funds to conduct a comprehensive GIS study of Mentor Marsh and its watershed. The project will produce a functional and accessible GIS for the marsh and watershed that can be used in planning and decision making in the community and by researchers. Information gaps and needs will be identified by MARC. A spatial database will be developed and made available via the internet.

The coalition has now expanded to include approximately 50 additional stakeholders in the effort as well as a number of individuals and groups with relevant interests and expertise. MARC envisions the development of a management plan to protect and enhance the environmental, social and economic assets of the Mentor Marsh watershed and related communities. This plan will improve coordination of resource management and community revitalization at various levels of government, working with organizations, educational institutions and private ventures. MARC SAMP ultimately will be formally incorporated into the OCMP and adapted to other coastal areas that seek to initiate a similar process.

## **J. National and Regional Participation**

During the review period, OCMP Program Manager has served as the Coastal Hazards Chair of the Coastal States Organization, looking at a variety of coastal hazards issues on a national and regional basis. He served in the Steering Committee for the National Evaluation of Coastal Hazards, a project undertaken by The H. John Heinz III Center for Science, Economics and the Environment, and reported to Congress in response to provisions of the National Flood Insurance Reform Act. The Program Manager is the state coastal programs representative in the development of the Coastal Institutes for National Estuarine Research Reserves initiatives.

At the regional and local levels, OCMP staff are fully engaged with the communities and local governments through a number programs, notwithstanding the popularity of the OCMP Coastal Management Assistance Grant Program (discussed earlier in these findings). As indicated previously, the Mentor Marsh SAMP continues to progress under the guidance of OCMP Assistant Program Administrator. As a facilitator, she has been able to bring a number of stakeholders to the table to candidly discuss the needs of the watershed and how to address these needs in a management plan. Regionally, the OCMP Program Manager serves as a active participant in projects sponsored by the Lake Erie Commission and presently is the Team Leader for the Ohio Coastal Resources Inventory (CRI) project.



Finally, the State has been successful in its bid to host the next international Coastal Zone Conference in July 2001. The conference will be held in Cleveland, Ohio; this is the first time that this conference will have been held in the Great Lakes. The State has partnered and continues to work with OCRM and NOS, NOAA Coastal Services Center in Charleston, South Carolina, several Federal agencies, other Great Lakes States; and the Old Woman Creek NERR on this project. It is an especially bold undertaking for a program so recently approved.

#### **K. Financial Assistance Award Management and Performance Reporting Requirements**

During the evaluation review period, ODNR applied for and received Federal funds under Sections 306, 306A, 308, 309, and 6217, totaling more than \$2,921,000 for implementation of the program. OCRM records indicate compliance with the criteria set forth in 15 CFR 923.133(c)(4)(i) (A) through (E). OCRM's review of award tasks and special award conditions indicates that ODNR has complied with the standard terms and special award conditions of the Federal financial assistance awards, including the submission of informative performance reports of high quality. The Evaluation Team was also impressed by the obvious time and commitment that was put forth in each performance report and work product, in draft and final formats, submitted to OCRM.

OCMP staff has taken the necessary steps to participate in OCRM's Coastal and Marine Management Program (CAMMP) Grant Application and Reporting System by upgrading its computer hardware and software to required standards. Staff have been trained and anticipate that this new program will standardize the application and reporting process.

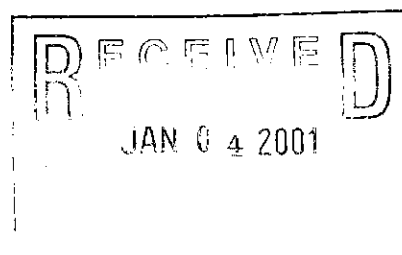
## V. REVIEW FINDINGS AND RECOMMENDATIONS

Based on its review of the Ohio Coastal Management Program (OCMP) and the criteria found at 15 CFR 923.135(a)(3), OCRM has found that the State is adhering to the federally approved coastal management program, and is implementing and enforcing the core laws of OCMP in a satisfactory manner. The State continues to address national coastal management needs identified in CZMA Section 303(2)(A) through (K).

The following findings describe key management issues facing the State, some of which involve recommendations. The recommendations are of two types: (1) **Necessary actions**, which address programmatic requirements and must be carried out by the dates indicated (Appendix D lists a summary of required actions that must be taken by the State), and (2) **Program suggestions**, which are actions that would improve program implementation, but are not mandatory at this time. Program suggestions repeated in consecutive evaluations due to continuing problems may be elevated subsequently to necessary actions.

### A. Staffing and Administration

As noted previously in these findings, OCMP is a highly networked program involving the cooperation of 12 ODNR Divisions to effectively implement the program. Through ODNR's strategic planning efforts, the Integrated Management Team and specific issue subgroups, and cross-training workshops, much progress has been made in educating and enlisting help for the coastal management program. Yet the practice of employing various "percentages" of other Division's staff time may not effectively or efficiently maintain and broaden the capability and potential of OCMP. While the current system of borrowed staff may be cost-effective it presents a number of problems including supervisory responsibility and accountability for work projects. As a result, the Evaluation Team has identified two distinct staffing/administrative needs: (1) clarification of the role of the OCMP Program Manager, and (2) an assessment of OCMP's staffing requirements, taking into account program functions and responsibilities, and addressing the needs of constituents.



For example, ODNR Coastal Services Center (CSC) staff have been successful in providing direct assistance, including technical assistance, to applicants of CMAG funds and coordinating programs within ODNR. However, CSC staff is a combination of personnel from a number of ODNR Divisions who are accountable to numerous supervisors in Columbus. While the interests of the staff are the coastal resource issues that embody OCMP, there appears to be a lack of direct oversight by the OCMP Program Manager. Empowering the OCMP Program Manager with this supervisory responsibility will provide CSC staff with program direction and implementation strategies.

-----  
**1. PROGRAM SUGGESTION: ODNR should take the necessary actions to clarify and elevate the role of the OCMP Coastal Program Manager. The position should be empowered with adequate authority to implement the OCMP properly and perform a leadership role in coastal zone management policy formulation.**  
-----

As a relatively new program, OCMP has placed an initial emphasis on the permitting application and process, and development of public outreach materials that provide technical assistance to coastal property owners. For example, site visits by geologists from ODNR's Division of Geological Survey, housed at the CSC, are often made in conjunction with staff from the Division of Engineering or REALM. Materials about coastal geology and processes, shore protection, shore-structure permits, CEA permits, and submerged land leases, are distributed depending upon the needs of the site.

The OCMP provides funding for at least one full-time position for both the CEA and Submerged Lands Leasing programs. The CEA project review coordinator is responsible for the CEA permit actions and is responsible for all field work. Field investigations are conducted by this individual to determine compliance and status of the project. The submerged lands coordinator is also responsible for conducting field investigations and working with property owners to assure compliance. Both positions work closely with ODNR Divisions of Engineering and Geological Survey staff housed at the CSC office. CSC staff indicated that their primary focus has been site visits to projects being proposed, assisting with design, and issuance of the permit. While some staff have been able to return to a site and conduct a field investigation, time and workloads usually do not permit them to complete necessary follow-up visits.

There is a critical need for better implementation of the monitoring and enforcement aspects of the OCMP. As indicated above, CSC staff are effectively providing assistance in site plans and permits for coastal projects. As a result, permits are routinely conditioned and issued, but no follow-up system exists to determine whether or not the conditions have been met. Monitoring and enforcement activities are modest due to present staff workloads and being understaffed. The program relies on occasional citizen reports and observations by ODNR staff in the course of conducting other business.

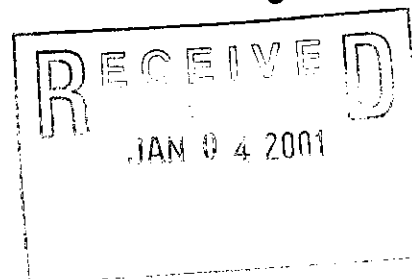
It is evident from interviews with stakeholders and partners along Lake Erie, that the OCMP, its staff and programs are steadily gaining support. Among those programs supported by the OCMP, the CMAG Program has provided both funding and technical assistance to local governments. These findings have discussed the numerous projects, programs and tasks that have been undertaken through OCMP, its staff and other ODNR Divisions. However, these activities are not as clearly articulated resulting from the work and resources of the coastal management program and its staff. In some cases, OCMP has taken a "back seat" to others in order to gain support for projects. While this has been beneficial for the "end product," it could be damaging overall to OCMP. Recognition of OCMP's role and contribution in projects and planning efforts needs to be preserved to show the benefit of coastal management in Ohio.

The OCMP Public Information Officer (PIO), in Columbus, has helped to increase the visibility of the OCMP by highlighting its involvement in various resource management issues and programs through the program's quarterly newsletter and direct participation in ODNR coastal activities. In an effort to service both the OCMP needs in Columbus and at the coast, an enormous amount of time is spent traveling between these locations. This is time-consuming and costly.

As a networked program, OCMP continues to face the challenge of visibility and public understanding. Plans to relocate and expand the facility for ODNR's CSC in Sandusky could provide a great opportunity for OCMP to further establish on-site presence. Accessibility to and by the public will assist in efforts to market the program and perhaps develop more name recognition.

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**2. PROGRAM SUGGESTION:** Given the accomplishments of OCMP and the growth of the program as a result of those accomplishments, ODNR should conduct an assessment of OCMP's program functions, responsibilities and staffing required to effectively implement OCMP. This assessment should result in a strategy that addresses staffing needs in the areas of monitoring and



enforcement, and outreach. The assessment should include a review of program functions and the “location” of those functions, i.e. headquarters or ODNR’s CSC, in Sandusky. For example, locating additional staff and functions of the OCMP at ODNR’s Coastal Services Center could have a very positive effect on coordination of OCMP various programs, increase efficiency, and provide a focal point for OCMP for local government, communities and the public.

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**B. Continuation of Coastal Management Assistance Grants Program (CMAG)**

As indicated in the Accomplishments Section of these findings, the CMAG Program was initiated by OCMP to recognize the valuation initiatives and actions of local governments, universities, nonprofit organizations and others aimed at achieving the goals of wise coastal resource management. In an effort to support these goals and objectives, ODNR has committed to making a portion of its NOAA funding available to these entities for projects that will protect Lake Erie coastal resources and/or support their sustainable use. During the review period, more than 19 communities and organizations along Ohio’s Lake Erie coast have received CMAG funding, totaling over \$808,000, for projects that address OCMP priority areas. These include: water resources and watersheds, coastal land use and development, coastal habitat, wetland, and natural areas, coastal flooding and erosion, recreational opportunities, and, fish and wildlife resources.

Throughout the site visit and interviews, grantees and elected officials were complimentary of OCMP’s CMAG program. They cited it as straightforward, easy to understand and comply with, and felt the level of application detail was sufficient. Applicants noted that the contact person at CSC was very helpful in preparing and revising projects for review and approval.

---

**3. PROGRAM SUGGESTION: ODNR/OCMP is encouraged to maintain the Coastal Management Assistance Grants Program, as currently implemented, as a means of supporting local initiatives that protect and enhance Ohio’s Lake Erie coastal resources thus furthering coordination and strengthening relationships among local governments, Universities, nonprofit organizations and other stakeholders.**

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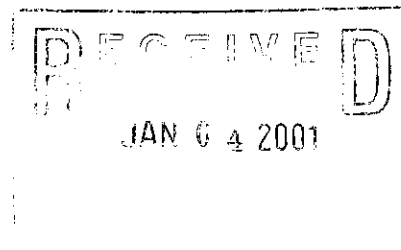
**C. Support Construction of ODNR Coastal Services Center (CSC) Facility**

At the time of the site visit the State's proposed capital budget included a \$2 million proposal for a new ODNR Coastal Services Center. This facility would co-locate ODNR staff from the Divisions of Geological Survey, REALM, Soil and Water Conservation, Water, and Watercraft into one State-owned building. All of the divisions mentioned are now housed in a leased facility. Some CSC staff are presently housed in an office in Sandusky where work space has reached its maximum capacity. The new facility, to be located on Sandusky's waterfront, would provide larger accommodations for current and proposed staff, encourage public access and help revitalization the area. The facility will combine the administrative needs of the programs involved and provide an excellent opportunity to include an educational and outreach component for their programs to promote Lake Erie and its resources.

-----  
**4. PROGRAM SUGGESTION: ODNR/OCMP is encouraged to continue its proposed plans to construct an ODNR Coastal Services Center that will house staff who provide technical assistance to coastal landowners and stakeholders along Lake Erie.**  
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**D. Coastal Resources Advisory Council and Outreach Opportunities**

It was the impression of the Evaluation Team that the visibility and role of the OCMP in the community could be enhanced greatly by further strengthening the CRAC role as a link for public outreach. During program development, CRAC was a key participant and motivator for ensuring public participation, both formally and informally, through workshops, public meetings and hearings. It was clear to the Evaluation Team that the members of CRAC, which represent a broad range of interests and stakeholders in Lake Erie coastal resources, could assume a stronger liaison-outreach role addressing resource management issues among the various public property owners along Ohio's Lake Erie coast, including on-going concerns regarding implementation of the submerged land leases program. CRAC might consider engaging various communities in informal forums that would allow for a "round-table" approach, versus one of "Us vs. Them" or the "government vs. the property owner". This format may allow CRAC to better represent various factions of the general public and assist in advising OCMP staff on programs to meet community needs.



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**5. PROGRAM SUGGESTION: CRAC should consider developing a strategy to strengthen its liaison-outreach role to inform local officials, watershed protection groups, port authorities and private property interests on the benefits of the OCMP.** (NOTE: Since the site visit the CRAC has identified and prioritized goals for the next two years. The Council has prioritized formation of more active linkages with local officials, the general public and others, and describes their role primarily as a liaison with those groups. They intend to dedicate new efforts toward improving mechanisms for broader participation in Council and OCMP initiatives.)  
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#### **E. Federal Consistency**

Pursuant to Section 307 of the CZMA, ODNR reviews Federal consistency determinations or certifications on project proposals that impact the State's coastal area to ensure that the projects are being conducted in a manner consistent with OCMP. Implementation of ODNR's Ohio Coastal Management Act, under the Ohio Revised Code Chapter 1506 regulations, requires consistency review of Federal permit applications, Federal projects, Federal assistance to local governments, and other Federal actions that are required to be consistent with OCMP. The basis for all consistency reviews of Federal actions or permits or licenses is the enforceable program policies described in the OCMP. The policies are administered through State permits, licenses, and plan review and approval requirements. Projects must be approved by agencies responsible for the enforceable policies in order to be consistent with Ohio's coastal program.

Currently, REALM's Resource Management Section administers the Federal and State consistency process and reviews approximately 140 projects per year to determine their consistency with OCMP. To the extent the administration of Federal consistency has involved the substantive review of an activity, OCMP draws on the expertise of other parts of ODNR and other State agencies, i.e. Ohio EPA. During the review period, an efficient mechanism for processing Federal and State consistency reviews and a web-based mechanism for citizens to request that public meetings be held for specific projects was developed.

However, during the 312 evaluation site visit many comments were expressed on OCMP's approach to Federal consistency. While the approach of drawing on the expertise of other Divisions and agencies was well supported and the program was

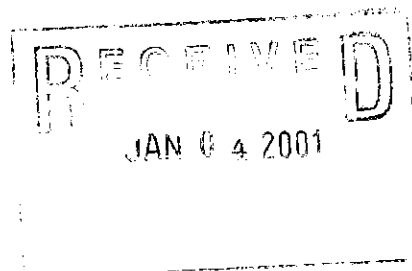
complimented on increasing interagency cooperation, a number of agencies questioned the State's reliance on the issuance of State permits as the determinant of Federal consistency concurrence. Among the comments expressed:

- "...consistency process doesn't work"... Ohio Department of Transportation
- "Consistency decisions are not necessarily based on policies"... Ohio Historic Preservation Office
- "[it] takes a long time to get CZM consistency"... U.S. Fish and Wildlife Service
- "Consistency decisions based on too narrow an interpretation"... ODNR Geological Survey
- "Ohio's use of consistency is just a check-list for permits obtained."... Army Corps of Engineers

These observations may be due to, in part, by the fact that the Federal Consistency role is being carried out by REALM's Resource Management Section which has responsibilities for activities other than coastal management.

The OCMP document clearly describes the Coastal Management Section's central role in the consistency process in the following statements:

- "Agencies needing guidance on policies or procedures regarding consistency review should contact the Coastal Management Administrator, REALM" (Part II 7-1).
- "The Coastal Management Section, REALM, will then initiate a formal public review and comment process and conduct the State's consistency review of the proposal"(Part II 7-2), and
- "ODNR's various divisions provide input in department-wide reviews conducted by REALM. The Coastal Management Section integrates these interdisciplinary reviews in the OCMP's consistency review process (discussion in Section 4 of this chapter) and coordinates with other state, federal, and local agencies. "



NOAA program approval findings concur with the OCMP document and identifies REALM's Coastal Management Section as ODNR's coordinator ... of consolidated permit applications and monitor overall program performance". The findings further agree with the State's proposed Federal consistency process stating that ... "when a project is subject to one or more enforceable authorities, the Coastal Management Section, REALM, [will] review[s] information provided by the responsible agencies and may consult with other states, federal, or local agencies."

The Evaluation Team understands that the general practice is to object to the Federal consistency certification until the State permits, identified in OCMP, have been issued. This practice is acceptable so long as all OCMP enforceable policies are contained in the State permits. If not, OCMP must ensure that all relevant enforceable policies are applied to a project.

Ohio has clear requirements in State Law (O.C. Sect. 1506.03) that "no project or activity directly affecting the coastal area that is proposed by or subject to the approval of any agency of the State shall be implemented on approval until the Director of Natural Resources has determined that it is consistent with the policies in the coastal management program document." Federal consistency regulations applicable to Federal permits and licenses require detailed description of the proposed activity to permit an assessment of its probable coastal zone effects and findings that the proposed activity and its effects are all consistent with the provision of the management program.

Accordingly, both State and Federal consistency requirements envision a comprehensive review of activities to determine their coastal zone effects with subsequent decisions being based on that comprehensive analysis. It is not sufficient to base a consistency decision only on the policies specifically relevant to the required State or Federal permit for that project. Other policies, whether or not a permit is being issued at the time, must be part of the basis for issuing the permit (State consistency) or concurring with the consistency certification (Federal consistency).

Chapter 7 of the OCMP document discusses Federal consistency and notes that, "The OCMP is a comprehensive program. Besides using the policies and authorities embodied in the State coastal management law (O.R.C. Chapter 1506) the OCMP integrates other State rules, regulations and policies to protect uses and resources of the coastal area. These are the enforceable policies to be addressed by Federal agencies and Federal permit applicants in their consistency determination and

certifications." The State consistency requirement is part of Chapter 1506 and thus an element of Ohio's enforceable policies. Chapter 7 also notes that "applicants and Federal agencies should not presume project consistency based upon a State permit or license that may have been issued but should examine the relevant policies of the OCMP".

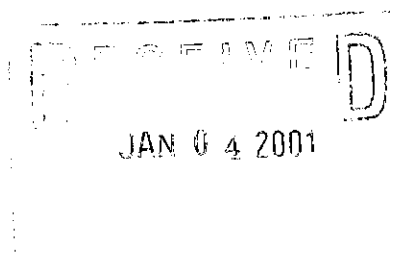
Chapter 4, Program Organization, notes that direct State actions are to be carried out in a manner consistent with all applicable policies whether enforceable or not. With regard to State permits, it states that during the review of applications, the authorizing agency will ... "Review the application to ensure the activity contemplated is consistent with and will be conducted in a manner consistent with applicable coastal management policies." However, the section also goes on to say that ODNR will base its required State consistency decision on approvals granted by agencies enforcing the policies of the program.

Although in many instances, the bottom line of enforceable policy as the OCMP is written is the issuance of a State permit. In order for this process to be an adequate implementation of State and Federal consistency requirements, the analysis leading up to a permit decision needs to consider all coastal policies and base the decision on whether to issue a permit on the effects of the activity on the coastal zone. Failing to perform a complete analysis creates a process that is hopelessly circular and the consistency process serves no purpose.

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**6. NECESSARY ACTION:** Within six months of these final findings, ODNR must provide NOAA with a description of how all relevant enforceable policies are applied to Federal actions during the State's Federal consistency review. Additionally, ODNR must develop and submit to NOAA a strategy that strengthens the Federal Consistency component of OCMP and fully establishes the State and Federal consistency responsibility within REALM's Coastal Management Section as identified in the approved OCMP. This strategy must (1) take into account the significance and complexity of managing consistency in a networked program, and (2) based on the number of reviews per year, consider creating a permanent full-time position within REALM's Coastal Management Section responsible for effectively implementing Federal and State consistency.

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## **F. Program Changes**

One function of this evaluation is to determine whether changes have occurred in OCMP during the review period and whether those changes have been submitted to the OCRM for processing as program amendments or routine program changes (RPCs). NOAA regulations define amendments as substantial changes in one or more of the following coastal management program areas (1) uses subject to management, (2) special management areas, (3) boundaries, (4) authorities and organization, and (5) coordination, public involvement and the national interest. An RPC further defines a state's coastal zone management program but does not result in substantial changes to the program. OCRM has issued guidance to coastal states on requirements and submission procedures for changes to the federally-approved coastal programs.

States have the option of notifying OCRM of RPCs on a case-by-case basis, periodically throughout the year, or annually, pursuant to the regulations at 15 CFR §923.84(b)(1)(I). Requests for substantial changes (amendments) to the approved program should be submitted in a time frame that precedes the final State action to implement the amendment (15 CFR §923.881(a)). The OCMP document is maintained and revised on an annual basis. All relevant statutory and regulatory changes are submitted to NOAA, and OCMP staff work with NOAA to identify each as a RPC or program amendment. During this review, no program changes were submitted or reviewed by NOAA.

## **G. Nonpoint Source Pollution Program**

To develop and implement its Coastal Nonpoint Pollution Program, OCMP is building on the process for updating the Statewide Nonpoint Source Management Plan. ODNR's Division of Soil and Water Conservation (DSWC), in conjunction with Ohio's Environmental Protection Agency (EPA), is the lead for this effort. Since 1997, workgroups for agricultural runoff, urban runoff, silviculture runoff, hydromodification, marinas and wetlands were formed to discuss issues, identify problems, and propose solutions.

As part of the coastal nonpoint update, ODNR has initiated an Urban Stream Restoration Program in the Lake Erie watershed. An Urban Streams Specialist, at the county level, is responsible for initiating stream restoration projects in areas affected by urban nonpoint pollution. This specialist works closely with other state and local agencies, particularly those related to regional planning and storm water management.

Finally, ODNR's DSWC has hired a permanent full-time staff person to develop and implement additional guidance and standards necessary to reach full compliance with the Coastal Zone Act Reauthorization Amendments of 1990. This amendment requires states and territories with approved coastal zone management programs to develop and implement coastal nonpoint programs. A close working relationship with OCMP staff in REALM ensures the integration of nonpoint source pollution control considerations, requirements in consistency reviews, and effective planning of state sponsored projects. A document is being produced with NOAA funds for submission to OCRM and US EPA in the fall of 2000.

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## VI. CONCLUSION

Based upon the recent evaluation of the OCMP, I find that the State of Ohio is adhering to its federally approved coastal management program and continues to make improvements in implementing the provisions of its approved coastal management program.

These evaluation findings contain six recommendations. One recommendation is in the form of a **Necessary Action**, which must be accomplished by the State within the specified time frame. The remaining recommendations are **Program Suggestions** that the State should address before the next regularly scheduled program evaluation, but which are not mandatory at this time. Program Suggestions that OCRM must repeat in subsequent evaluations, however, may be elevated to necessary actions.

This is a programmatic evaluation of the OCMP which may have implications regarding the State's financial assistance award. However, it does not make any judgments on, or replace any financial audit(s) related to the allowability or allocability of costs incurred.

12.22.00  
Date

  
\_\_\_\_\_  
Jeffrey R. Benoit, Director

## APPENDIX A

### PERSONS AND INSTITUTIONS CONTACTED DURING THIS REVIEW

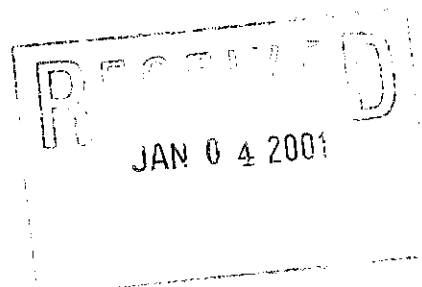
The Honorable Mike DeWine	U.S. Senate
The Honorable George Voinovich	U.S. Senate
The Honorable Paul Gillmor	U.S. House of Representatives
The Honorable Marcy Kaptur	U.S. House of Representatives
The Honorable Dennis J. Kucinich	U.S. House of Representatives
The Honorable Stephanie Tubbs Jones	U.S. House of Representatives
The Honorable John Kasich	U.S. House of Representatives
The Honorable Sherrod Brown	U.S. House of Representatives
The Honorable Deborah Pryce	U.S. House of Representatives
The Honorable Steven C. LaTourette	U.S. House of Representatives

#### Federal Agencies

Elizabeth Stone	U.S. Army Corps of Engineers
Mark Lesinski	U.S. Army Corps of Engineers
Theresa Hudson	U.S. Army Corps of Engineers
Ken Multerer	U.S. Fish and Wildlife Service

#### Ohio Department of Natural Resources

Samuel W. Speck	Director
Wayne Warren	Chief, Division of Real Estate & Land Management
Jim Hopewell	Division of Watercraft
Steve Goodwin	Division of Natural Areas and Preserves
Nancy Strayer	Division of Natural Areas and Preserves
Jennifer Windus	Division of Natural Areas and Preserves
Greg Schneider	Division of Natural Areas and Preserves
Jerry Wager	Division of Soil and Water
Jill Evans	Division of Soil and Water
John Mathews	Division of Soil and Water
Dan Mecklenberg	Division of Soil and Water



Mike Nishimura  
Mark Ervin  
Randy Sanders  
John Marshall

Division of Soil and Water  
Division of Forestry  
Division of Wildlife  
Division of Wildlife

Ohio Coastal Management Program

Mike Colvin  
Chris Kasselmann  
Jill Kasai  
Kim Baker  
Kandie Parkman

Program Administrator  
Assistant Administrator  
Public Information Officer  
Consistency Coordinator  
Executive Secretary

Coastal Services Center

Don Guy  
Danielle Foye  
Bridget Stefan

Division of Geological Survey  
Division of Geological Survey  
Division of Real Estate and Land  
Management  
Division of Water  
Division of Water  
Division of Soil and Water  
Division of Real Estate and Land  
Management/ OCMP

John Watkins  
Justin Reinhart  
Greg Nageotte  
Yetty Alley

Old Woman Creek National Estuarine Research Reserve

Gene Wright  
Linda Feix

Manager  
Education Coordinator

Other State Agencies

Tim Linkous  
Chris Yoder  
John Motl  
Julie Letterhos  
Gail Hesse

Ohio Department of Transportation  
Ohio Department of Transportation  
Ohio Department of Transportation  
Ohio Environmental Protection Agency  
Ohio Environmental Protection Agency

Franco Ruffini  
Dave Snyder  
Lisa Adkins

Ohio Historic Preservation Office  
Ohio Historic Preservation Office  
Ohio Historic Preservation Office

Local Government

Kurt Erichsen

Steve Day

Bill Blumenstaat  
Mayor Tom Brown  
Ken Gipe

Mike Tann  
Gary Packan  
Rick Novak  
Chris Bauer  
Jim Kastelic

Rick Sicha

Lynn Garrity

Kurt Kraus  
Vern Horton  
Dan Donaldson  
Ken Freeman

Others

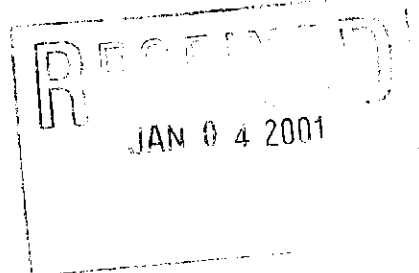
Jeff Reutter  
Frank Lichtkoppler  
Jeff Busch  
Edith Chase

Kathleen McNeal

Christopher Gilchrist  
Charles Herdendorf

Toledo Metropolitan Areas Council of  
Governments  
Toledo Department of Parks, Recreation  
and Forestry  
Ottawa County Visitors Bureau  
City of Port Clinton  
Port Clinton Parks and Recreation  
Department  
Huron City Manager  
Huron Parks and Recreation  
Lorain Port Authority  
City of Lorain  
Cuyahoga County Planning  
Commission  
Cuyahoga County Planning  
Commission  
Cuyahoga County Planning  
Commission  
Parks, Recreation and Public Lands  
Village of Fairport Harbor  
Lake County SWCD  
Lake County SWCD

Ohio Sea Grant College Program  
Ohio Sea Grant College Program  
Ohio Lake Erie Commission  
Ohio Coastal Resource Management  
Project  
Ohio Coastal Resource Management  
Project  
Great Lakes Historical Society  
Submerged Lands Advisory Council



Bob Graham  
Marsha Collett

Bill O'Brien

Jim Barchok

Monica Drake

Sue Kaufman  
John McFadden  
Vince Urbanski

Bowling Green State University  
Coastal Resource Advisory Council  
(CRAC)  
CRAC, Submerged Lands Advisory  
Council  
CRAC, Lake County Planning  
Commission  
CRAC, Put-In-Bay Township Joint Port  
Authority  
Mentor Marsh Board of Management  
Mentor Marsh State Nature Preserve  
Lake Metroparks

## APPENDIX B

### PERSONS ATTENDING THE PUBLIC MEETING

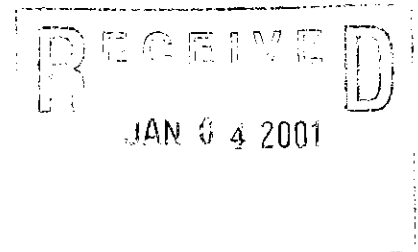
A Public Meeting was held at 7:30 pm, Wednesday, June 28, 2000 in the Visitor's Center at the Old Woman Creek National Estuarine Research Reserve, 2514 Cleveland Road, Huron, Ohio.

\*David Carek  
Gene Wright  
Linda Feix

Ohio Lakefront Group  
Old Woman Creek NERR  
Old Woman Creek NERR

\*Commented at the Public Meeting

(NOTE: Unfortunately, the complete list of participants was part of a package lost by Federal Express. Several efforts to obtain the membership list of the Ohio Lakefront Group have taken place. Copies of the Final Findings will be issued to David Carek, President of the Ohio Lakefront Group for distribution.)



## APPENDIX C

### RESPONSE TO WRITTEN COMMENTS ON OCMP

Four letters/written comments were received regarding the Ohio Coastal Management Plan. The comment is summarized below, followed by the NOAA response (**in bold**), where appropriate.

1. Roy Seitz, M.D., Property Owner, Sheffield Lake, Ohio

Dr. Seitz's letter, in its entirety follows:

"I wanted to write this letter to express my unhappiness with the management of the submerged land lease program in the State of Ohio." I am a landowner on Lake Erie in Lorain County ( just west of Cleveland) and am subject to a new, yearly tax to pay for land I owned two years ago. In fact, land I lost in a storm in March of 1998 and reclaimed in June of 1998 is now being "rented" from the State of Ohio—along with strangers' rights to dock on my land, outrageous insurance required by the State of Ohio, the state's rights to control who I sell my property to and basically the simple fact that Ohio now owns my lakefront property and can do whatever it pleases! At the minimum, Ohio should then pay my taxes. Furthermore, my neighbors have refused to bow to the pressure from Ohio and do not pay their fees. (I don't blame them.) Since when does the state have the right to all but abscond with my land and dare to tell the private landowner what can and cannot be done? It is most unfair."

**The State of Ohio asserts title over State waters and submerged lands as public trust property to be managed for the citizens and future generations of Ohio for public use. The State must and does respect the littoral rights of upland owners along the lake. ODNR has stated that it does not assert ownership nor seek to own individuals' private shoreline property. Nor does the State in any way control or seek to control to whom any such property can be sold.**

**ODNR acknowledges that there are many unauthorized structures on Lake Erie submerged land. They are preparing a shore structure inventory that it hopes will be of benefit to coastal communities and owners of private shoreline property as well.**

**Regarding your concerns about reclaimed land being "rented," it is NOAA's understanding that ODNR leases only submerged land underlying structures and fill. The lease agreement assures that you have an interest in the public's**

**property and protects your enjoyment of the lease area. However, leases can contain a condition that also assures that reasonable uses of navigable waters of the State are not pre-empted. Many shoreline property owners do in fact comply and consistently pay lease fees for the use of submerged lands underlying their structures.**

2. Mr. Kurt Kraus, City of Mentor, Director, Parks, Recreation and Public Lands, Mentor, Ohio

Mr. Kraus indicates in his letter that the City of Mentor is a Coastal Management Assistance Grant (CMAG) recipient for a Lake Erie shoreline access project and he is inclined to believe that the process is straightforward. He further indicates that the City has received excellent cooperation from the OCMP staff during the grant process and the subsequent bidding process.

**NOAA and ODNR appreciates your letter of support for OCMP's CMAG program. As you will note, this program and the staff assistance is acknowledged as a "Program Accomplishment" under Section IV of these findings.**

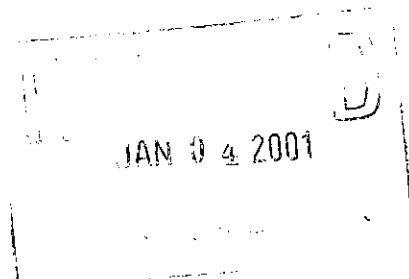
Mr. Kraus also notes that "the City of Mentor is ...a participant in the Mentor Marsh Area Coalition (MARC) SAMP. This is the first SAMP in the State of Ohio. The SAMP has brought together a coalition of federal, state and local governments along with various groups and citizens with goals of protecting and enhancing the Mentor Marsh. This collective action on the behalf of the Marsh is unprecedented."

"The SAMP process has developed into several major task forces under the direction and guidance of a consultant and OCMP [staff]. This model, until now, has been effective due to local involvement regarding problems and issues by MARC members."

**NOAA and ODNR appreciates support for and participation in the Mentor Marsh SAMP. As you will note, this project is acknowledged as a "Program Accomplishment" under Section IV of these findings.**

Lastly, Mr. Kraus suggests that the SAMP effort can only succeed if the general public is educated and supported of the SAMP. He suggests that "increased communication and publicity regarding the SAMP effort be made."

**Both NOAA and ODNR agree with your observations regarding further education and outreach programs for the general public and local officials. The success of the Mentor Marsh SAMP is an excellent example of the coordination,**



**collaboration and communication that the OCMP has and can facilitate among various interests. NOAA urges OCMP to continue the outreach efforts in place and explore additional means, as indicated in these findings.**

**3. Mr. Keith Rader and Mrs. Phyllis Rader, Property Owner, Madison, Ohio**

The Raders expressed their disappointment of the public meeting held on June 28, 2000 at the Old Woman Creek National Estuarine Research Reserve. They felt that NOAA was unprepared for public attendance and questioned why a recorder was not present to take notes. They were under the impression that ODNR had to record all sunshine meetings and minutes of these meetings would be available to the public upon request.

**NOAA prepares and conducts coastal program evaluations through careful review of the State's Federally approved program, financial assistance awards and tasks, and issues. Attendance at public meetings varies from state to state depending upon the issues and interest. The Evaluation Team and State are encouraged when public attendance is high versus low, and therefore prepares for the former rather than the latter. A public meeting is conducted to solicit the views of the general public on the operations and management of the State's coastal program. These views are taken into consideration in the development of the final findings. The public meeting was held by NOAA, not the State, does not require formal transcripts.**

The Raders' letter also references State legislation (House Bill 601) that pertains to the "transfer of permits for shoreline structures from the ODNR to the Division of Engineers". They are interested in the reason for this transfer and associated fees or fines that will relate to this move.

**The erosion control measure permitting function continues to remain within ODNR. The function has been transferred from ODNR Division of Engineering to ODNR Division of Water. In 1999, it was determined that the Division of Engineering should redefine and focus its efforts more directly on its core purposes, i.e. to support ODNR functions that require engineering solutions, such as building, road and other infrastructure design and engineering. According to ODNR, HB601 assisted in this effort by transferring the Coastal Engineering Group from the Division of Engineering to the Division of Water. The**

**move to the Division of Water required that the fee structures for erosion control measures be consistent with already established provisions within this Division. However, fees and fines have yet to be imposed and the Division of Water is in the processing of reviewing the permit program to determine if any fees will be associated implementing the program.**

4. Ms. Barbara Evans, Property Owner, Lorain, Ohio

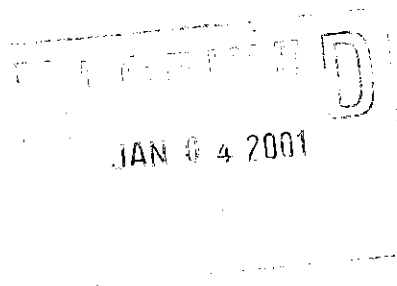
Ms. Evans submitted a copy of an affidavit that she gave to the Ohio Lakefront Group. She is concerned about the way ODNR interprets the regulations of coastal management and thinks that her and her neighbors' rights are being violated.

The affidavit describes the lakefront property that Ms. Evans owns including the description of the two piers/groins on the property. The affidavit is an account of Ms. Evans' efforts to obtain a permit to repair the piers, due to storms and erosion, and the frustration she experienced when she was informed that a survey and lease would be required. Through the permitting process ODNR representatives worked with Ms. Evans, and she did receive permits from the Army Corp of Engineers and ODNR. To her dismay, a Lease, for the pier and shoreline rip-rap "to be installed north of a line that supposedly represents the High Water Mark of Lake Erie" was part of the agreement.

Ms. Evans indicates that she finds the requirements for obtaining permits from ODNR a confusing and duplicative process of that of the Army Corps of Engineers. She feels that that the Lease agreement takes away "deeded" property and "acts as a means of preventing [her] from enjoying [her] property and protecting [her] property from erosion."

Finally, Ms. Evans feels that "there are too many inconsistencies and unfairness to the interpretation to the rules and regulations by ODNR." She believes that ODNR should protect the lake and the Ohio Trust, but she does not believe that ODNR should provide so many obstacles that cause undo duress nor to "take away" her property.

**ODNR maintains a consolidated permitting process that allows lake front property owners to complete one application for both the shore protection structure permits and submerged lands leases. A property owner can review the consolidated application initially to determine which of the various permits are required for their planned project.**



**As indicated previously, the State of Ohio owns the waters of Lake Erie and submerged lands as public trust property to manager for the citizens of Ohio for public uses to which they may be adapted. The submerged lands lease does not take away the property owner's land. It does require that if privately owned structures are to be constructed on public property (i.e., submerged lands), they must follow conditions that protect their neighbors' rights to enjoyment of their property and the citizens of Ohio's rights to commerce, navigation, fisheries etc. They must additionally compensate the State's citizens to the extent that their private structures occupy that public property.**