



Phil Mullin

Bill Analysis
Legislative Service Commission

H.B. 583

124th General Assembly
(As Introduced)

Reps. Lendrum, Young, Olman, Grendell, Manning, Trakas, Latta, Kilbane, Womer Benjamin, Callender, Distel, Oakar, Flannery, Jerse, S. Smith, Key, Redfern, Koziura, Perry

BILL SUMMARY

Clarification of shoreline property boundaries

- Clarifies that the state's ownership of Lake Erie and its shoreline extends only to and below the natural low water mark and that all lands above that mark belong to littoral owners (secs. 1506.01(J) and 1506.10).
- Specifies that the loss of a littoral owner's lands by avulsion or by artificially influenced erosion does not alter the boundary of the littoral owner's property that is established under the bill or by deed (sec. 1506.10).

Rights of littoral owners

- Specifies that littoral owners have the right to access the waters of Lake Erie, wharf out to navigable waters, own additional lands created by natural accretion or reliction, restore lands lost by avulsion, and protect lands from erosion (sec. 1506.10(B) to (F)).

Submerged lands leases

- Creates an exception to current law requiring a person who wants to develop or improve the waters of Lake Erie or lands underlying it to enter into a submerged lands lease with the Department of Natural Resources, which applies to a noncommercial residential improvement that is considered to be desirable by a littoral owner in order to protect, enhance, or exercise his or her statutory property

rights under the bill or that is covered by a permit issued by the United States Army Corps of Engineers (sec. 1506.11(B)(1) and (2)).

- With respect to existing submerged lands leases, specifies that the state must cease to collect rent or other charges from, or to enforce certain covenants or provisions against, a littoral owner under those leases to the extent that the rent, charges, covenants, or provisions relate to lands above the natural low water mark (Section 3(B) of the bill).
- Authorizes a littoral owner who is a party to an existing submerged lands lease to request the state to terminate the lease if it relates solely to lands above the natural low water mark or to amend the lease so that it relates only to lands below the natural low water mark, and prohibits the renewal of such leases insofar as they relate to lands above the natural low water mark (Section 3(B) of the bill).

Erosion control structure permits

- Specifies that permits that must be obtained under current law from the Chief of the Division of Water in the Department of Natural Resources for the construction of erosion control structures only are required under the bill for construction that takes place at or below the ordinary high-water mark as determined by the United States Army Corps of Engineers (sec. 1521.22).
- Specifies that a state permit for the construction of an erosion control structure is not required for such construction on littoral property that is used for noncommercial, residential purposes if the United States Army Corps of Engineers has issued a permit for the construction or if the construction relates to an improvement that is considered to be desirable by a littoral owner in order to protect, enhance, or exercise his or her statutory property rights under the bill (sec. 1521.22).
- Requires the Director of Natural Resources to remove from identification as a Lake Erie coastal erosion area any portion of the coastal area that is protected from erosion by an erosion control structure for which a permit has been issued by the United States Army Corps of Engineers (sec. 1506.06(E)(1)).

- Limits the amount of the fee for a state erosion control structure permit to a maximum of \$500 (sec. 1521.22).
- Requires the Chief of the Division of Water, upon receipt of an application for an erosion control structure permit, to notify owners of littoral property that is adjacent to the proposed area of construction (sec. 1521.22).
- Requires all fees received for state erosion control structure permits to be paid into the General Revenue Fund rather than into the Permit and Lease Fund that is administered by the Department of Natural Resources and eliminated by the bill (sec. 1521.23).

Coastal management program

- Specifies that the coastal management program administered by the Department of Natural Resources should give attention to the interests of residential private property owners in the Lake Erie coastal area, and limits the Director of Natural Resources' discretion to regulate the use of private shorelands (sec. 1506.01(B) and (C)).
- Requires the Director to notify by mail any persons who would be directly affected by changes to rules governing the coastal management program (sec. 1506.02(A)(3)(b)).

Appeals

- Specifies that appeals made under the Coastal Management Law or the Shore Erosion Law must be heard in the court of common pleas of the county in which the appellant resides (secs. 1506.08 and 1521.31).
- With respect to appeals made under the Shore Erosion Law, specifies that the appellant is not required to appeal to the Director of Natural Resources before appealing to the court of common pleas (sec. 1521.31).

Fines

- Specifies that the maximum allowable fine for a violation of the Shore Erosion Law is \$500, rather than \$1,000, and eliminates a provision stating that each day of violation of that law constitutes a separate offense (sec. 1521.99(C)).

- Specifies that the maximum allowable fine for violating certain provisions governing the construction of a dam, dike, or levee is \$500, rather than \$1,000, and eliminates a provision stating that each day of violation of those provisions constitutes a separate offense (sec. 1521.99(B)).

Miscellaneous

- Requires the Governor, rather than the Director of Natural Resources, to appoint the members of the Coastal Resources Advisory Council, and requires at least seven members to be permanent residents of the coastal area (sec. 1506.12).
- Exempts the Coastal Resources Advisory Council from the Sunset Review Committee Law (sec. 1506.12).
- Makes other miscellaneous changes to the law governing coastal management and the control of shore erosion along Lake Erie (secs. 1506.01, 1506.02, 1521.21, and 1521.24).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-16-02	p. 1778

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