

OHIO COASTAL MANAGEMENT PROGRAM
POLICY 21 – LAKESHORE RECREATION AND ACCESS

IT IS THE POLICY OF THE STATE OF OHIO TO PROVIDE LAKESHORE RECREATIONAL OPPORTUNITIES AND PUBLIC ACCESS AND ENCOURAGE TOURISM ALONG LAKE ERIE BY:

- A. PROVIDING FOR PUBLIC ACCESS TO COASTAL AREAS WITHIN THE STATE NATURE PRESERVE SYSTEM THROUGH ARTICLES OF DEDICATION WHEREVER POSSIBLE AND CONSISTENT WITH PRESERVATION AND PROTECTION OF THE LAND (O.R.C. 1517.05);**
- B. PROTECTING PUBLIC ACCESS RIGHTS TO LAKE ERIE WATERS AND SHORELINE AREAS WHERE COMPATIBLE WITH EXISTING AND PLANNED USES OF WATERFRONT AREAS THROUGH THE LAKE ERIE SUBMERGED LANDS LEASING PROGRAM (O.R.C. 1506.11 AND O.A.C. 1506-6-01 THROUGH 1501-6-06);**
- C. DEVELOPING AND MAINTAINING SHOREFRONT STATE PARKS (O.R.C. CHAPTER 1541);**
- D. PROVIDING FOR COMPREHENSIVE ASSESSMENT OF RECREATIONAL NEEDS AND PLANNING FOR FACILITIES TO MEET THOSE NEEDS THROUGH THE STATEWIDE COMPREHENSIVE OUTDOOR RECREATION PLAN (SCORP) AND LAKE ERIE ACCESS PROGRAM (LEAP);**
- E. ASSISTING LOCAL GOVERNMENTS TO DEVELOP LAKESHORE AND URBAN WATERFRONT RECREATIONAL AREAS BY PROVIDING FINANCIAL AND TECHNICAL ASSISTANCE;**
- F. PROVIDING FOR RECREATIONAL OPPORTUNITIES SUCH AS HIKING, BIRD WATCHING AND INTERPRETIVE SERVICES AT STATE PARKS, WILDLIFE AREAS AND NATURE PRESERVES AND ENCOURAGING LOCAL GOVERNMENTS AND OTHER AGENCIES TO PROVIDE GREATER ACCESS TO THE SHORE OF LAKE ERIE; AND**
- G. ENCOURAGING THE INCORPORATION OF PUBLIC ACCESS AND APPLICABLE RECREATIONAL OPPORTUNITIES INTO THE PLANNING OF PRIVATE DEVELOPMENTS AND PUBLIC INSTITUTIONS LOCATING ALONG THE SHORE OR RIVERS IN THE COASTAL AREA.**

Authorities and Administration

- A. ODNR is charged with the responsibility of acquiring a system of nature preserves for scientific research, teaching of natural history, ecology, conservation and similar fields, as habitats for plant and animal species and communities, as reservoirs of natural materials, as places of natural interest and beauty, and other purposes and uses. Articles of dedication shall be executed by the owner of the land in the same manner and with the same effect as a conveyance of an interest in land and shall be irrevocable (except as provided in O.R.C. 1517.05). The nature preserve law expresses the intent of the Ohio General Assembly and ODNR "wherever possible and consistent with such preservation and protection of the land, the articles shall provide for public access in order that the maximum benefit be obtained for the uses and purposes stated . . ." (O.R.C. 1517.05).
- B. ODNR's authority to control Lake Erie's submerged lands through the lease application process has been effective in retaining public access where it has been a traditional and beneficial use of the waterfront. Rules that guide the lease process provide that "public access may be required as a condition of a lease or permit depending upon historic use patterns and suitability of the lease site for existing or prospective recreational uses" (O.A.C. 1501-06-03(1)(3)). Where no public access had existed previously, ODNR and the lessee have often identified opportunities for provision of various forms of public access (shoreline fishing, pedestrian access to shorelands, transient boat dockage and other uses and improvements). Often, developers have taken the initiative to provide for access, in light of potential benefits to their coastal-dependent enterprises. (See Policy 16 for additional detail on the lease program. Submerged lands leasing rules are contained in Appendix L.)
- C. ODNR's Division of Parks and Recreation (DPR) is charged with the development, operation and maintenance of a system of state parks in Ohio for the recreational use of the citizens of Ohio (O.R.C. Chapter 1541). State park development is financed primarily through ODNR's capital improvement budget. The Land and Water Conservation Fund (LWCF) and the NatureWorks program are supplemental sources of funding for state parks, and ODNR continues to develop new facilities and expand existing facilities along Lake Erie.
- D. The Statewide Comprehensive Outdoor Recreation Plan (SCORP), updated approximately every five years, is the State of Ohio's official policy document for outdoor recreation. The SCORP identifies statewide issues and problems impeding the provision of recreation opportunities and also identifies recreation resources, participation and activity trends, and social indicators that will influence the provision of these opportunities in the future. ODNR, REALM is the lead agency responsible for developing the SCORP. The SCORP also serves as a guide for allocations from the LWCF.

In 1998, ODNR completed a two-year planning process that culminated in the publication of a strategic plan for recreation opportunities. Commonly referred to as the Recreation Opportunities Priority (ROP), the strategic plan contains a number of issues and actions that

have relevance to the Ohio Coastal Management Program. Specifically, strategies for enhancing recreation resource protection, improving access to water-based recreation opportunities, and becoming more actively involved in the recreational corridors/greenways movement are consistent with the Ohio Coastal Management Program.

Ohio SCORPs have recognized the importance of Lake Erie in providing outdoor recreation opportunities for Ohio and its visitors. The need to provide additional access to Lake Erie was recognized in the 1980-85 Ohio SCORP that recommended the implementation of a comprehensive study of the access needs for boating and fishing. The Lake Erie Access Study was initiated in 1983 and included a comprehensive inventory of existing and potential access sites along the 262-mile shoreline. User surveys of boaters and anglers were also conducted to develop a data base for assessing access needs. The Lake Erie Access Study identified regional boating and fishing access needs to assist decision makers in developing rational acquisition and development strategies for providing access to Ohio's single most important water resource.

Upon completion of the Lake Erie Access Study, a public assistance program, the Lake Erie Access Program (LEAP), was established and has been administered by ODNR's Division of Watercraft. The program is authorized to provide up to 75 percent matching funds to local governmental agencies along the Lake Erie coast for boating and fishing improvements.

Assistance provided by the LEAP and continued demand for recreational access has necessitated a need to update the Lake Erie Access Study. Scheduled periodic updating will help decision makers in prioritizing sites for acquisition and recreational development.

The LWCF program provides up to 50 percent reimbursement grants to the state and its political subdivisions for acquisition and/or development of public outdoor recreation areas, consistent with SCORP. Other federal funding programs may, in certain instances, be matched with the LWCF money. However, ODNR requires that a minimum of 20 percent of the project costs be local funds to assure a local commitment to the proper operation and maintenance of the project. In allocating LWCF monies, a high priority has been placed on local projects.

The NatureWorks program was established in 1994 with permanent funding through \$200 million in state bonds. The NatureWorks grant program provides up to 75% reimbursement assistance for local government subdivisions (townships, villages, cities, counties, park districts, joint recreation districts, and conservancy districts) to for the acquisition, development, and rehabilitation of recreational areas. Since NatureWorks' inception, over 1,300 applications totaling over \$63 million have been funded.

The General Assembly specified that NatureWorks funds are to be available on a modified county per capita basis. Government agencies within each county are to apply to ODNR and compete for funds available to the county. Approximately one-fourth of the total county allocation will be available each funding year. The local grants program is an up-to 75 percent

reimbursement program, so the project sponsor must have the 25 percent matching funds as well as cash flow capability to complete the project. "In-kind" costs are eligible as match.

- E. ODNR encourages local governments to develop lakeshore recreational areas through technical and financial assistance for the acquisition and development of community park and recreation areas. The goals of ODNR's assistance are to: (1) qualify the state to receive federal funds from both the LWCF and the Recreational Trails Program (RTP) component of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), (2) administer the NatureWorks and LWCF programs and the NRTF component of SAFETEA-LU in Ohio so that political subdivisions receive the maximum benefits, and (3) provide other essential assistance to communities to provide quality recreation throughout the state.

Technical assistance is provided to communities by REALM. Typical assistance includes identification of funding sources; site inspection and evaluation; plan reviews and recommendations; inventory information; and guidance in application preparation, federal regulation compliance and project procedures.

ODNR encourages local communities to revitalize valuable urban water resources by providing technical and financial assistance to fully use the recreational potential of urban waterfronts. Technical assistance through REALM is primarily oriented toward providing information and expertise to local governments in such areas as plan review, applicable state and local programs, and sources of financial aid. Projects have been funded primarily through the LWCF program and the Waterways Safety Fund.

Projects that propose to provide new or improved boating, fishing or recreational opportunities to Lake Erie for the general use of the public are eligible to receive assistance through the LEAP. The lake access to be developed must be in the form of launching lanes or ramps, and/or shore-based fishing facilities such as piers, platforms, walls or breakwaters. In addition to actual access facilities, support accommodations such as parking, rest rooms, lighting, landscaping and lakefront park development may be eligible for financial assistance. In 1994, funding from the NatureWorks program in the amount of \$1.75 million for the 1996/97 biennium was made available specifically for LEAP.

- F. ODNR provides recreational opportunities at its state parks, nature preserves and wildlife areas in the coastal area. Interpretive facilities and programs continue to be developed at ODNR-managed properties on the Lake. Financial assistance through NatureWorks and the RTP can be provided to local and regional governmental agencies to develop recreational opportunities, including trails. Technical assistance is available from ODNR for interest groups, local communities and park districts interested in developing trails in Ohio. ODNR, (REALM) is the designated state agency responsible for the administration of the RTP. The RTP was established with the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 (PL 102-240) and was reauthorized by SAFETEA-LU through 2009. RTP funds can be

used to assist governmental agencies and non-profit trail groups in the rehabilitation, development, maintenance and acquisition of recreational trails and related facilities. RTP funds also can be used by states for environmental protection and safety education programs. Trails funded with NRTF monies may be motorized, nonmotorized or multiple-use trails.

- G. ODNR, through Section 10 and 404 permits and technical assistance, encourages the incorporation of public access and recreational opportunities into the planning of major developments and public institutions that locate at the shoreline or along rivers in the coastal area. Project developers and planners are encouraged to recognize multiple-use advantages of providing access areas in their plans where feasible.