



Ohio Scenic Rivers Frequently Asked Questions

Introduction

Ohio passed the nation's first scenic river protection legislation in 1968. Today, Ohio has 14 designated rivers including the Ashtabula, Big & Little Darby, Chagrin, Conneaut Creek, Grand, Kokosing, Little Beaver Creek, Little Miami, Maumee, Mohican, Olentangy, Sandusky, Stillwater and Upper Cuyahoga. About 800 river miles are designated along these 14 streams and some of their tributaries with the majority of these river corridors being privately owned.

The role of Ohio's Wild, Scenic and Recreational Act (website: codes.ohio.gov/orc/1547) is to identify and protect those rivers and streams possessing characteristics of state significance. Designation as a wild, scenic or recreational river is not a river restoration tool designed to restore a degraded stream; rather it is a means of publicly recognizing and retaining conservation support for Ohio's high quality waterways.

The Ohio Scenic Rivers program is administered by the Ohio Department of Natural Resources Division of Watercraft. For more information regarding the program, contact Bob Gable, Scenic River Program Manager (614-265-6814; bob.gable@dnr.state.oh.us).

What is Scenic River Designation?

- Scenic river designation identifies rivers which possess outstanding natural character and resources. Scenic river designation DOES NOT restrict or impact private landowner rights. Landowners will continue to have the same rights after designation that they held before the river is designated.
- Scenic river designation depends on local partnerships. Following designation, a volunteer Advisory Council will be formed. The 10-member council must include local representation from landowners, public officials, private organizations, education institutions and conservation groups. The council will make recommendations to guide ODNR's efforts in the watershed.

Why was the Vermilion River chosen for state scenic river designation?

Portions of the Vermilion River met or exceeded the criteria for scenic river designation.

Why is a Resolution of Support necessary for the scenic river designation?

Prior to studying any river for scenic river designation in Ohio, ODNR requests resolutions of support for the comprehensive designation study, which can take up to two years to complete. If the study finds that the river meets scenic river criteria, then the river will be eligible to join the state scenic river system.



Why does a study lead to designation?

Undertaking a scenic river study is a large commitment of time and staffing by the Ohio Department of Natural Resources. Moving forward with a study is integral to designating a river, which is why we meet with all municipalities and managing agencies along each stream. The Ohio Scenic Rivers program prides itself on its transparency — designation isn't sought without local support. In the case of the Vermilion, as soon as ODNR realized local support was changing, it immediately slowed down the designation process. ODNR has extended its comment period indefinitely.

What is a Notice of Intent to Designate?

A Notice of Intent to Designate is a statement by the Director of the Ohio Department of Natural Resources which details, in a legal notice, the specifics surrounding a proposed scenic river designation.

When and where did ODNR post its public notices about the Intent to Designate?

The legal notices were published in the Elyria Chronicle Telegram on March 20, in the Lorain Morning Journal on March 19, 20 and 21; in the Sandusky Register on March 20; and the Vermilion Photo Journal on March 18.

When was the public meeting for the Vermilion designation held?

A public meeting was held on March 22, the first day of the public comment period. Although the Ohio Revised Code does not require a public meeting, ODNR has traditionally held at least one public information session so landowners and public officials can ask questions and request copies of the study. As a result of public comments, the period of comment review has been extended indefinitely and ODNR will be holding a series of public information open house meetings on these dates and locations:

- **May 5: Vermilion-on-the-Lake Historic Community Center**, 3780 Edgewater Blvd., Vermilion; 7-9pm
- **May 27: Firelands Scout Reservation Boy Scout Camp**, 13782 Gore Orphanage Road, Wakeman; 7-9pm
- **June 8: Firelands High School gym**, 10643 Vermilion Road, Henrietta Township; 7-9pm
- **June 30: Schoepfle Garden Visitor Center**, 11106 Market Street, Birmingham; 6-8pm

Why wasn't the study shared prior to the public comment period?

In past designations the study's completion has signaled the public comment period. The public comment period is a minimum of 30 days, which enables the public and local officials to review the study and share comments. The study was made available online on March 23, 2010 (website: www.ohiodnr.com/Portals/4/pdfs/reports/SRStudies/VermilionSRStudy.pdf). A disk copy is available by request from Bob Gable, Scenic River Program Manager (614-265-6814; bob.gable@dnr.state.oh.us).



Isn't the designation of the Vermilion a done deal?

No, ODNR's Director has not yet declared the Vermilion a state scenic river. Because of recent local concerns, ODNR has slowed down the designation process. Comments are still welcome.

Where does the proposed Scenic River designation for the Vermilion begin and end?

The proposed downstream limit of designation is at river mile 1.8, also described as the upstream side of the Riverview RV Park and Marina mouth. The Department is currently reconsidering moving this downstream limit of designation (river mile 1.8) farther upstream so that it is above the marinas and campgrounds located along this stretch of the river (approximately river mile 2.8). The proposed upstream limit of the designation is at the Lorain/Huron county line. With regard to the East Fork Vermilion River, the downstream limit of designation is proposed as the confluence with the Vermilion River and the upstream limit as the State Route 511 Bridge in the Village of Kipton.

To read a description of the two stream segments proposed for designation, see page 7 of the study.

Do you have an easy-to-read map of the proposed designation miles?

We apologize for not making an easy-to-read map available at our first information meeting in March; however, you can view the map on our website or view it at any of the scheduled informational open houses being held.

How will scenic river designation impact dredging?

Ohio Revised Code, Section 1547.82 provides the Director of the Department of Natural Resources with approval authority over state and local publicly funded projects within a Wild, Scenic or Recreational River area (1,000 foot corridor) outside of municipal corporation limits. Therefore any dredging activities that are funded through state or local monies would need to be reviewed and approved in accordance with this section of the Scenic River law. Privately funded dredging projects however, would not be subject to review and approval under the Scenic River law.

How do my legal rights as a landowner along the Vermilion corridor change with the designation?

Scenic river designation does not change any of your private property rights. Landowners will have the same rights for the use of their property as they did prior to scenic river designation.

What does the 1,000 feet set back language mean to private landowners? It sounds like ODNR is going to tell me what to do with my land.

It is against the law for the Ohio Scenic Rivers program to impact private landowner rights. The 1,000 feet set back language establishes a regulatory corridor that relates to publicly funded projects, as described in ORC Section 1547.82, within that "Scenic River Area" only, NOT private lands. Ohio Revised Code 1547.81 protects private land usage from any regulatory authority administered by ODNR. It also protects private land usage from



any attempts by other state or local government entities to regulate private land use in the name of scenic river protection. This would include local land use.

What does the 1,000 feet set back language mean to local municipalities? It sounds like ODNR is going to dictate local land use policy.

With regard to the Director's approval authority over publicly funded projects within a wild, scenic or recreational river area, municipalities are exempt from this section of law within their municipal corporation boundaries because the Ohio Constitution provides municipalities with home rule authority.

Won't scenic river designation encourage trespassing?

Scenic river designation does not grant any public access to private property. Nor does it change agreements for property use between landowners and other parties (i.e. fishing and hunting use). Trespassing will continue to be against the law and local law enforcement agencies are encouraged to work with landowners to prosecute offenders.

How does scenic river designation benefit landowners?

- Historically, property values along state scenic waterways increase after designation.
- ODNR does not require landowners to do anything, in regards to scenic river designation. Assistance is available only by request. Upon request, landowners may receive technical assistance from Scenic Rivers staff regarding their riverfront property. Typical assistance includes: information on erosion, riverbank stabilization, litter prevention/clean up, flood plains, water quality, land conservation and wildlife.

How does scenic river designation benefit local communities and townships?

- ODNR will ensure that publicly-funded projects, such as bridge replacements, waste water treatment plants, etc. along unincorporated lands meet environmental standards which will reduce negative impacts to the scenic river and adjacent landowners.
- Watershed planning assistance and funding benefits both landowners and communities. For example, the Kokosing Scenic River watershed has received more than \$300,000 in Ohio EPA funding for watershed planning. Funding supported a comprehensive watershed study as well as livestock exclusion fencing, log jam removal projects and implementation monies.
- Communities and municipalities benefit from enhanced marketing opportunities for travel and tourism.
- School programs may participate in Stream Quality Monitoring workshops and other public education programming that river designation brings.