

**Ohio Lakefront Group
Annual Meeting
CIC and Zoom
June 1, 2023**

Register



Ohio Lakefront Group

www.ohiolakefrontgroup.com

What is the Ohio Lakefront Group

- Non-Profit and non-partisan
- Incorporated in 1999
- Shoreline property owners
- Grassroots volunteer organization --Board Members are NOT paid or reimbursed
- At present there are over 7,000 members
- There are 14,000 - 15,000 parcels along Lake Erie in Ohio



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Purpose

- Prevent taking of shoreline property by governmental entities.
- Protect the use of Lake Erie and the environment.
- We are NOT anti-environment, **we just want our deeds honored!**



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Existing Board Members

Baeppler, Greg	Bay Village
Bunsey, Bob	Huron
Cyvas, Vitas	Willowick
Kemmerer, Kent	Willowick
Limbirt, Gina	Timberlake
Prout, Mike	Sandusky
Rennell, Rick	Bay Village
Yankel, Tony	Lakewood



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Nominees for Board of Directors for a 3-year term

- John Balliett Vermillion
- Kent Kemmerer Willowick
- Mike Prout Sandusky



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Treasurer's Report



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Lawsuit Chronology

- May 2004 Filed the lawsuit
- Feb 2006 Federal Court **Win**
- Dec 2007 Lucci's First Order **Win**
- Aug 2009 Appeals Court **Win**
- Sept 2011 Supreme Court **Win (7-0)**
- Sept 2012 Lucci's Second Order **Win**
- Apr 2014 Appeals Court **Win**
- June 2014 Supreme Court **Win**
- Oct 2016 Stipulation \$6.1 million



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Judge Lucci's Decision

- Voided Leases on private/deeded property.
- Artificial fill is allowed to “reclaim land lost by avulsion.” (Page 34)
- Simply, the Public Trust is essentially “where beachcombers may walk...where the walker’s feet would be wet.” (Page 34)



What Does This Mean

- No Leases on deeded property.
- “Reclaim land lost by avulsion” means you still own the land.
- The phrase “where beachcombers may walk...where the walker’s feet would be wet”; does not mean you lost ownership.



ODNR's Present Interpretation

- The Public Trust is where the water was once upon a time.
- The time/date is dictated by ODNR and can vary on a whim.
- Private ownership ends at the Public Trust boundary.
- Deeds are ignored.



OLG's Post Covid Response

- December 2021 meeting with ODNR.
- We gave ODNR a draft of a lawsuit we planned to file. We hoped to work with ODNR and avoid a Court battle.
- Despite our best intentions, ODNR introduced legislation and **never informed us.**



Why We Do Not Trust ODNR

- We were listed as a “stakeholder” on the legislation, but we were **never told about it.**
- SB 313 sponsors:
 - Senator Theresa Gavarone, Bowling Green
 - Senator Nathan Manning, Lorain
- ODNR told them that everyone was in agreement with its proposed legislation.
- After learning about the SB 313, OLG filed testimony opposing it.



ODNR's New Effort

The Devil is in the Details

- Gets rid of most leases—primarily residential.
- To get rid of commercial and other leases, an owner is still stuck with ODNR's definition of "Territory". ODNR is still not honoring deeds.

Note: Deeded properties should never have had a lease.



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Senate Bill 313

The Devil is in the Details

- Construction permitting to change.
- Does it get better? **NO, it gets much worse.** ODNR wants to add far more requirements on the permitting side.
- We want a simple procedure like the Army Corps or the present “temporary permit” offered by ODNR without the need for a follow-up permit.



What Has OLG Doing After Learning of the Legislation

1. OLG hired a lobbying firm and we are working with the original Bill sponsors to amend the Bills' language.
2. I provided opponent testimony at the second hearing on SB 313.
3. SB 313 never got out of Committee and died at the end of last year.



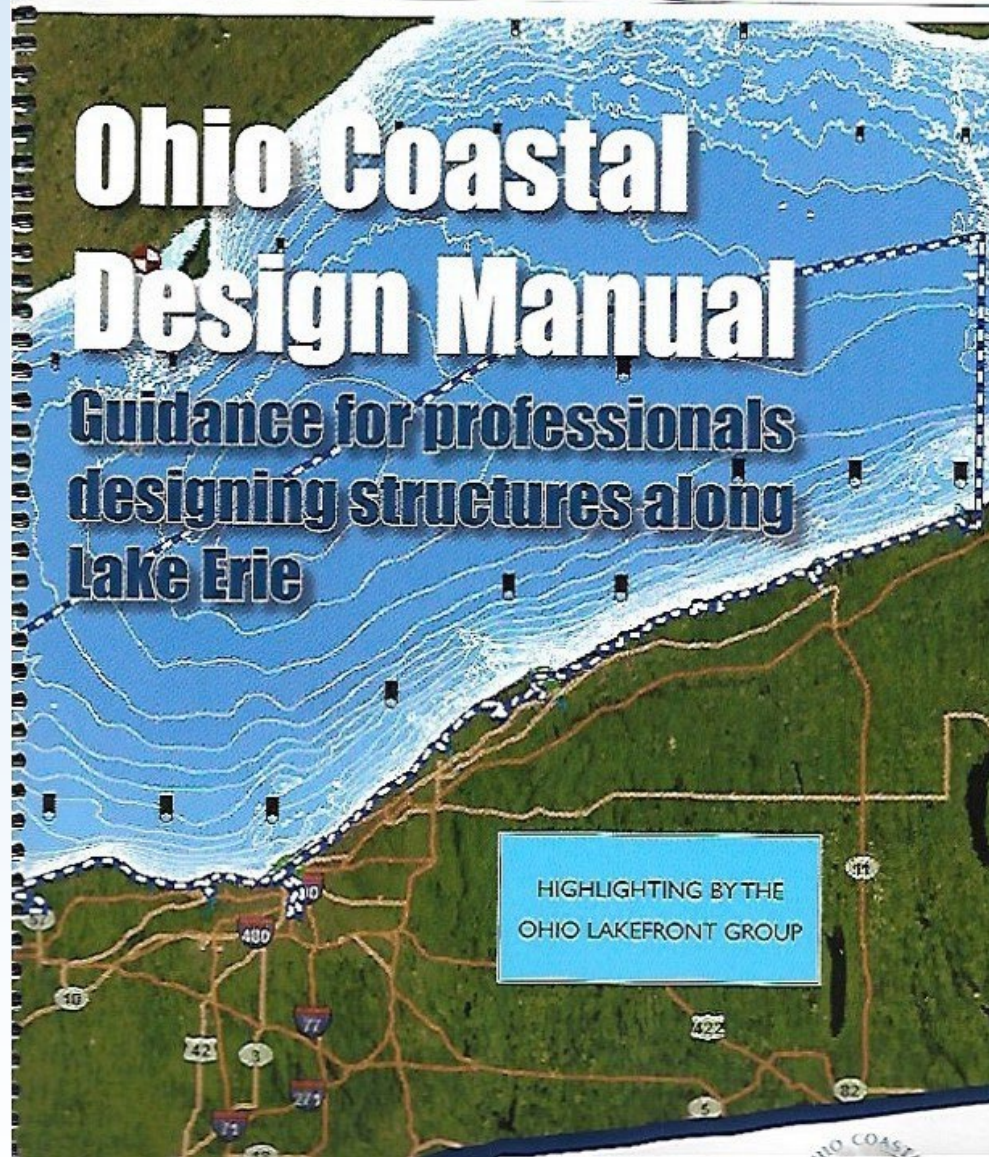
What Does the Future Hold?

- We are still reaching out to ODNR—we have made progress on the leasing, but not the permitting.
- We will try every way possible to fix this.



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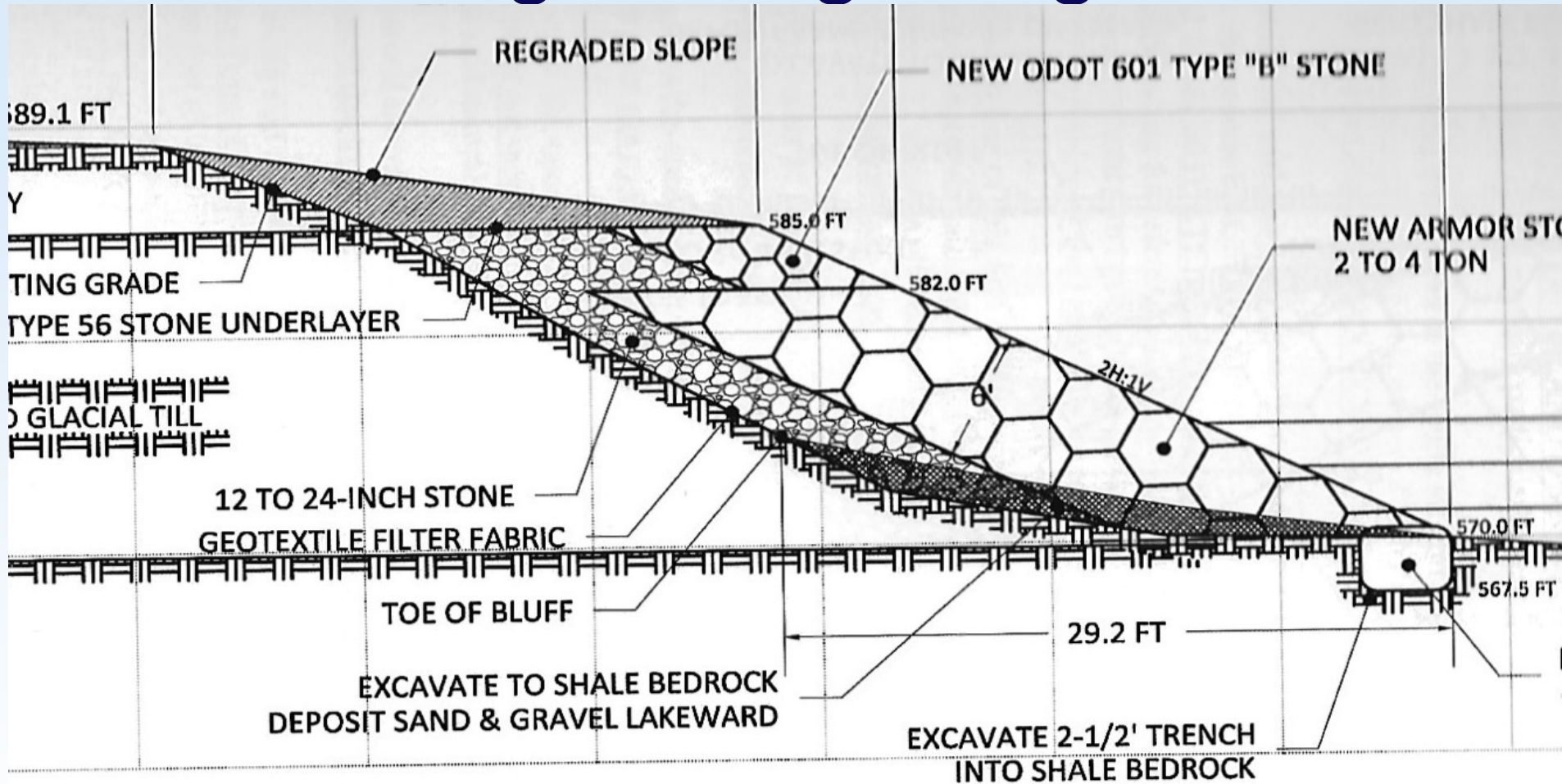
Simple Armor Stone Revetment



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Engineering Design



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Information Required by ODNR's Manual—1

- General vicinity map – Page 8
- Identification of adjoining and nearby property owners - Page 8
- History of the site - Page 9
- Site conditions and existing structures – Page 9
- Aerial photographs - Page 9
- The Coastal Erosion Area designation and erosion at the site - Page 10
- Geology of the upland - Page 10
- Site drainage - Page 11



Aerial Photo (1957)



Aerial photographs such as this one from 1957, are helpful in determining a site's history including when human made structures were built.

The OCM maintains a database of historic photos.

Ohio Coastal Design Manual first edition - 9



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Geology of the Upland

“Identifying the specific geology at a project site **is critical**. The type of materials present at the bluff face and beneath the surface is the single most important upland site conditions.”



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Information Required by ODNR's Manual—2

- Characteristics of the shore - Page 12
- Types of coastal habitat - Page 12
- Habitat considerations - Page 13
- Nearshore bathymetry - Page 13
- Performance of nearby structures - Page 14
- Site wave climate – Page 15
- Horizontal and vertical datums – Page 16
- Existing site conditions and structures – Page 18



Characteristics of the Shore

- The approximate width of the beach area.
- Approximate slope or profile of the beach.
- Structures within the beach (rubble etc.)
- Size of material (sand, gravel, cobbles).
- Shape of the beach.
- Length of beach



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- Site wave climate – Page 15
- Horizontal and vertical datums – Page 16
- Existing site conditions and structures – Page 18
- “...data should be collected to build a digital elevation model of the bare-earth, to generate contours and accurately represent the elevation surface. Digital terrain models may include the surface of buildings, water and tree canopy.”



Information Required by ODNR's Manual—3

- Previous surveys of record – Page 19
- Previous conveyance instruments to discover the intent of the grantor – Page 19
- Water gauge data – Page 19
- Nautical chart data - Page 19
- Geomorphic features that define the earth's shape or surface collected by a field survey - Page 19
- Existing site conditions – Page 19
- Metes and bounds description – Page 22
- Plat of survey for the submerge lands lease parcel – Page 22
- Post construction surveys – Page 23



Information Required by ODNR's Manual—4

- Design water levels - Page 24
- Design wave height - Page 26
- Run-up and overtopping of structures — Page 28
- Changes to the littoral system — Page 30
- Effect on adjacent or nearby properties — Page 32
- Impact of design on habitat — Page 32
- Other design considerations in the general arrangement of shore structures — Page 33
- Design drawings, engineering methods and calculations, materials specifications and supporting information — Page 34



Exhibit A



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Example A (Pages 52—67)

- High Bluff 50-60 feet (Page 52)
- Ashtabula County (Page 52)
- Thin layer of topsoil over layer of soft Glacial till over layer of hard glacial till over shale bedrock (Page 53)
- Maximum wave height of 16.4 feet measured at a station 10 miles to the north in 72 feet of water (Page 53)
- Expected erosion rate of 34.2 to 42.9 feet over 30 years (Page 53)
- Minimum median armor stone size 1.0 ton (Page 55)
- Apply a safety factor of 2 (multiply by 2) (Page 55)
- **Resulting design specification: Armor stone size 2 to 4 ton** (Page 55)



Example B



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Example B (Pages 68—83)

- Medium Bluff 20-30 feet (Page 68)
- Vermilion (Page 68)
- Till overlain with glaciolacustrine silts and clays (Page 68)
- Maximum wave height of 11.8 feet measured at a station 4.5 miles to the north in 33 feet of water (Page 68)
- Expected erosion rate of 0.1 to 0.8 feet over 30 years (Page 69)
- Minimum median armor stone size 1.1 ton (Page 70)
- Apply a safety factor of 2 (multiply by 2) (Page 71)
- **Resulting design specification: Armor stone size 2 to 4 ton** (page 71)



Example C



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Example C (Pages 84—97)

- Low Bluff 0-15 feet (Page 84)
- Ottawa County (Page 84)
- Silts and clays with a thin layer of topsoil over limestone bedrock (Page 84)
- Maximum wave height of 6.9 feet measured at a station 3.5 miles to the north in 20 feet of water (Page 84)
- Expected erosion rate of 0.0 feet over 30 years (Page 84)
- Minimum median armor stone size 1.3 ton (Page 86)
- Apply a safety factor of 2 (multiply by 2) (Page 86)
- **Resulting design specification: Armor stone size 2 to 4 ton** (Page 86)



ODNR's Ohio Coastal Design Manual

Memorable Quotes (1)

“The primary references for the design of armor stone revetments are the U.S. Army Corps of Engineers “Coastal Engineering Manual” (the CEM) and Engineering Manual 1110- 2-1614, “Design of Coastal Revetments, Seawalls and Bulkheads.”

(Page 41)



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ODNR's Ohio Coastal Design Manual

Memorable Quotes (2)

“The calculation relies on the *risk assumed* with a given design water level (the return period) and wave height, *both of which may be exceeded during the life of the structure.* The other factors that can affect long term stability include the quality of the stone, the range of actual sizes supplied, the placement on the slope, fracturing of the stone over time and the effect of ice forces.” (Page 42)



ODNR's Ohio Coastal Design Manual Memorable Quotes (3)

“The engineer should consider how these factors apply to each design and assign an appropriate safety factor that also *incorporates the level of risk the property owner is willing to accept in return for the cost difference* between larger or smaller armor units.” (Page 43)



ODNR's Ohio Coastal Design Manual

Memorable Quotes (4)

Contrary to calculations:

“In some cases a lower crest elevation may be required if a seawall is to be used for watercraft access.” (Page 100)



ODNR's Ohio Coastal Design Manual

Memorable Quotes (5)

“Erosion control structures should be designed with the smallest lakeward footprint possible.” (Page 38)



Changes OLG Wants In New Legislation

- Specific language honoring our deeds
- All leases on private property voided and lease payments returned.
- Use of the Army Corps construction permit process and not ODNR's onerous and arbitrary requirements.



Green Algae

Jim Stouffer
President
Lake Erie Foundation



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Questions & Answers



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