

United States Department of Commerce

**Combined Coastal Management Program and
Final Environmental Impact Statement for
the State of Ohio**

Volume I

April 2007

Prepared by:

Office of Ocean and Coastal Resource Management
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1305 East-West Highway, N/ORM3
Silver Spring, Maryland 20910

and

Office of Coastal Management
Ohio Department of Natural Resources
105 West Shoreline Drive
Sandusky, Ohio 44870

The preparation of this publication was financed by the Office of
Ocean and Coastal Resource Management, NOAA.

Revised
April 2007

ABSTRACT

DESIGNATION: Final Environmental Impact Statement

TITLE: Proposed Federal Approval of the Ohio Coastal Management Program

ABSTRACT: The State of Ohio has submitted its Coastal Management Program to the Office of Ocean and Coastal Resource Management for approval pursuant to section 306 of the Federal Coastal Zone Management Act of 1972 as amended (CZMA), 16 U.S.C. 1451 et seq. Approval would allow program administrative grants to be awarded to the state and would require that Federal actions be consistent with the program. This document includes a copy of the program, which is a comprehensive management program for coastal land and water use activities. It consists of numerous policies on diverse management issues which are administered under Ohio laws and is the culmination of several years of program development. The Ohio Coastal Management Program promotes the beneficial use of coastal resources, prevents their impairment, and manages major activities that substantially affect numerous resources. The program will enhance decision-making processes used for determining the appropriateness of actions in the coastal area.

Approval and implementation of the program will enhance governance of Ohio's coastal land and water uses according to the coastal policies and standards contained in Ohio's statutes, authorities and rules. Federal alternatives to program approval include delaying or denying approval, if certain requirements of the Coastal Zone Management Act have not been met. The state could modify parts of the program or withdraw its application for Federal approval if either of the above Federal alternatives results from circulation of this document. This document includes responses to comments received on the draft EIS published in August 1996.

APPLICANT: State of Ohio, Department of Natural Resources

LEAD AGENCY: U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of Ocean and Coastal Resource Management

FEDERAL CONTACT: Elizabeth Mountz
Office of Ocean and Coastal Resource Management
NOAA - U.S. Department of Commerce
1305 East-West Highway, N/ORM3
Silver Spring, Maryland 20910
(301) 713-3155, ext. 148
E-mail: Elizabeth.Mountz@noaa.gov

STATE

CONTACT:

John Watkins
Ohio Department of Natural Resources
Office of Coastal Management
105 West Shoreline Drive
Sandusky, Ohio 44870
(419) 626-7980
E-mail: John.Watkins@dnr.state.oh.us

COMMENTS:

Comments on the Final Environmental Impact Statement may be sent to NOAA at the address noted above. Pursuant to the National Environmental Policy Act, NOAA must wait a minimum of 30 days before making a final decision.

NOTE TO READERS

The National Environmental Policy Act (NEPA) of 1969 requires that an environmental impact statement be prepared as part of the review and approval process by Federal government agencies of major actions which significantly affect the quality of the human environment. The Federal action contemplated is approval of the Ohio Coastal Management Program under section 306 of the Federal Coastal Zone Management Act of 1972, as amended (CZMA). It is the general policy of the Federal Office of Ocean and Coastal Resource Management (OCRM) to issue combined environmental impact statements and program documents.

Part I of this final Environmental Impact Statement (FEIS) was prepared jointly by the Office of Ocean and Coastal Resource Management and the State of Ohio, and provides summary information concerning the Ohio Coastal Management Program (OCMP), including how the state has addressed the requirements of the CZMA. Part II of the FEIS is a description of Ohio's Coastal Management Program and was prepared by the state. It has been reviewed by the OCRM and is relied upon as a description of the proposed action for purposes of NEPA. Part III fulfills the remaining NEPA requirements for an FEIS and was prepared by the Office of Ocean and Coastal Resource Management with assistance from the State of Ohio.

An immediate effect of federal approval of the Ohio program is the qualification of the state for Federal matching funds for use in administering the program. In addition, the CZMA provides a procedure for the state to review Federal actions for consistency with its approved coastal management program.

For purposes of reviewing this proposed action, the key questions are:

- whether the Ohio program is consistent with the objectives and policies of the national legislation;
- whether the award of Federal funds under section 306 of the Federal Act will help Ohio to meet those objectives;
- whether Ohio management policies and authorities are adequate to implement the program; and
- whether there will be a net environmental gain as a result of program approval and implementation.

OCRM has made a preliminary determination that the answers to these questions are affirmative.

OHIO COASTAL MANAGEMENT PROGRAM
AND
FINAL ENVIRONMENTAL IMPACT STATEMENT

TABLE OF CONTENTS

Volume I

Part I.	OVERVIEW	
	A. Summary of the Ohio Coastal Management Program	I-1
	B. Changes the Program Will Make	I-6
	C. The Federal Coastal Zone Management Act	I-7
	D. Cross Reference to Program Requirements	I-9
Part II.	DESCRIPTION OF THE OHIO COASTAL MANAGEMENT PROGRAM	
	Gubernatorial Letter	
	List of Tables and Figures	II-i
	List of Abbreviations	II-ii
	Program Overview	II-vii
Chapter 1	Introduction	1-1
Chapter 2	Setting: Past and Present	2-1
	Natural History and Geography	2-1
	Impact of Human Activities	2-3
	Institutional and Political Response	2-4
Chapter 3	Extent of the Coastal Area	3-1
	Establishing the Coastal Area Boundary	3-1
	Summary Description of the Coastal Area Boundary	3-4
Chapter 4	Program Organization	4-1
	Administrative Structure to Implement the OCMP	4-1
	Implementation Authorities	4-13
	Organizational Structure of the OCMP	4-20
	Achieving Consistency with Coastal Management Policies	4-27
Chapter 5	Management Policies	5-1
	Coastal Erosion and Flooding	5-4
	Water Quality	5-21
	Ecologically Sensitive Resources	5-45
	Ports and Shore Area Development	5-68
	Recreational and Cultural Resources	5-80
	Fish and Wildlife Management	5-99

	Environmental Quality	5-108
	Energy and Mineral Resources	5-121
	Water Quantity	5-130
Chapter 6	Special Management Areas	6-1
	Past Designation Process	6-1
	Generic Areas of Particular Concern	6-2
	Specific Areas for Preservation and Restoration	6-9
	Future Designation Process	6-11
	Coastal Resources of National Significance	6-12
Chapter 7	Federal Consistency	7-1
	Consistency for Federal Activities and Development Projects	7-1
	Consistency for Activities Requiring a Federal License or Permit	7-6
	Consistency for Federal Assistance to State and Local Governments	7-10
	List of Federal Activities and Development Projects; Licenses and Permits; and Assistance Subject to Federal Consistency Requirements	7-13
Chapter 8	Erosion Mitigation Process	8-1
	Assessing Erosion	8-1
	Process to Manage Effects of Erosion	8-2
	Technical and Financial Assistance	8-2
Chapter 9	Shorefront Access and Protection Planning	9-1
	Procedures	9-1
	Programs	9-5
	Existing Facilities, Trends and Needs	9-8
	Management Policies and Legal Authorities	9-11
	Definition of Beach	9-11
Chapter 10	Energy Facility Planning Process	10-1
	Inventory of Existing and Planned Energy Facilities in Ohio's Coastal Area	10-2
	Procedures for Assessing Facility Site Suitability	10-5
	Articulation of State Policies	10-13
	Public Participation and Consideration of the National Interest in the Energy Facility Site Process	10-14
Chapter 11	Interim Response to Public Comments	11-1
	Response to Comments on 1992 Draft OCMP Document	11-1
	Response to Comments on Notice of Intent	11-5

Part III.	REQUIREMENTS OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)	
	A. Purpose and Need for Action	III-1
	1. The Coastal Zone Management Act	
	B. Alternatives to the Proposed Action	III-3
	1. Approve the OCMP	
	2. Deny Approval (no action) on the OCMP	
	3. Delay Action on the OCMP	
	C. Description of the Affected Environment	III-7
	1. Physical Characteristics	
	2. Socio-economic Characteristics	
	3. Environmental Quality	
	4. Natural Resources	
	D. Environmental Consequences	III-21
	1. Impacts Directly Resulting from Federal Approval	
	2. Impacts Attributable to the OCMP	
	E. Unavoidable Adverse Environmental Effects	III-27
	F. Relationship between Short-Term Uses of the Environment and the Maintenance and Enhancement of Long-Term Productivity	III-28
	G. Irreversible and Irrecoverable Commitments of Resources	III-29

Part IV. LIST OF PREPARERS

Part V. LIST OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS RECEIVING COPIES OF FEIS

Part VI. REFERENCES--FEIS

Part VII. COMMENTS ON DEIS AND RESPONSE TO COMMENTS

Volume II

Appendices

- A. Narrative Boundary Description
- B. Coastal Boundary Maps
- C. O.R.C. Chapter 1506 Coastal Management
- D. O.R.C. Chapters 1507 and 1521 Shore Erosion
- E. Memoranda of Understanding Between State Agencies and OCMP
- F. Coastal Resources Advisory Council Sunshine Rule
- G. Rules for Designating Lake Erie Coastal Erosion Areas
- H. Rules for Enforcing Lake Erie Coastal Erosion Areas
- I. Coastal Flood Hazard Area Rules
- J. Coastal Nonpoint Pollution Control Program and Ohio Nonpoint Source Management Program Description

- K. Wetlands Authorities
 - Ohio EPA Section 401 Certification Regulations and Review Guidelines
 - State of Ohio Environmental Protection Agency Exceptions to Section 404 Nationwide Permits
 - Wetlands Mitigation Policies used in Section 401 Reviews
 - Ohio EPA Policy for Purchase of High Quality Wetlands as Partial Mitigation for Wetlands Destruction
 - Ohio EPA Standard Wetland Mitigation Conditions
 - Ohio Department of Natural Resources Directive on Wetlands
 - Ohio EPA Wetland Ohio Water Quality Standards
 - Ohio Sub. H. B. No. 231
- L. Rules for Leasing of Lake Erie Submerged Lands
- M. Summary of Special Management Area Nominations
- N. Highlights of Remedial Action Plans for Lake Erie Areas of Concern
- O. Program Modification Procedures
- P. List of Federally Held or Managed Land in the Coastal Area
- Q. Regional and National Consideration
 - Land and Water Uses of Regional Benefit
 - Coordination with Federal Agencies
 - Consideration of the National Interest