Submerged Lands Leases

Submerged Lands Leases are a mechanism by which Ohio authorizes the development or improvement of the territory of Lake Erie. The territory of Lake Erie begins at the natural shoreline and includes Lake Erie’s water, the lands beneath the water, and the resources living in the water, and is held in trust by the State of Ohio for the people of the state. Sandusky Bay and Maumee Bay are considered part of Lake Erie while the rivers and streams that empty into Lake Erie are not.

What is a Submerged Lands Lease?
A Submerged Lands Lease is a contract between a shoreline property owner and the State of Ohio. The lease grants a private or public entity the special use of a portion of Public Trust (i.e. Lake Erie submerged lands). The public is compensated by a rental fee. The lease states the responsibilities of the lessor (the State of Ohio) and the lessee (the applicant). It defines the boundary of the lease area, the authorized use(s), sets the rental rate, and establishes the term of occupancy.

What projects require a Submerged Lands Lease?
A Submerged Lands Lease may be required for the area occupied by wharfs, docks, marinas, piers, boat ramps, seawalls, breakwaters, stone revetments, groins, jetties, water intakes, utility lines and any other structures or artificially placed fill that extends lakeward of the natural shoreline.

Do existing structures require a Submerged Lands Lease?
Existing structures or fills that are not currently leased may potentially be able to obtain a Submerged Lands Lease. In some circumstances, modifications to the existing structure or fill may be required to comply with applicable laws and policies. ODNR will assist you with determining what structures could be leased and what, if any, modifications may be necessary.

How is a Submerged Lands Lease application obtained?
A Submerged Lands Lease application form and detailed instructions can be found in the ODNR Coastal Permits and Lease Booklet, which can be downloaded online or obtained by calling ODNR Office of Coastal Management. Please note that a resolution from the local legislative authority (e.g. port authority, municipality or county) that has jurisdiction at the location of the proposed lease area must accompany a Submerged Lands Lease application. Contact information for these local authorities and guidance on obtaining a resolution can be found in the permit application booklet, on the Local Resolution or Ordinance Web page and by contacting the Office of Coastal Management.

Is there an application fee?
There is no fee to apply for a Submerged Lands Lease. However, the services of an Ohio Registered Professional Surveyor are usually needed to establish the lease boundary. The Ohio Coastal Design Manual provides direction for surveyors. It can be downloaded online.
**What happens after an application is submitted?**
ODNR reviews the application submittals to determine if it is complete and if the project complies with Ohio law, including Ohio’s coastal management policies. If the application does not contain all of the documents and information listed in the ODNR Coastal Permits and Lease Booklet, ODNR will request that the information needed to complete the application be provided. If the missing information is not received in a reasonable time, the application can be returned as incomplete.

ODNR’s review of the application usually includes a site visit, and comments may be generated. These comments are sent to the applicant and may note any specific concerns that need to be addressed. The applicant may need to modify the proposed project to address any conflicts with applicable laws and policies.

After ODNR determines that the project is acceptable, a draft lease is sent to the applicant. The draft lease must be signed by the applicant and returned to ODNR along with the first lease payment. The draft lease is then signed by the Director of ODNR or her designee or, in certain cases, by the Governor. The executed lease is then sent to the applicant. The executed lease represents a binding property transaction and should be recorded by the applicant at their county recorder’s office.

**How long is a Submerged Lands Lease valid?**
Submerged Lands Leases are typically valid for a 50 year period and can be renewable for an additional 50 years.

**What are the rental rates?**
The annual rental rate is usually based on the square footage of area occupied by the structure within Lake Erie and the proposed use of the structure. Rental rates range from 1 to 4 cents per square foot. (See Ohio Revised Code §1501-6-06).

**Web pages mentioned in this fact sheet:**
- Coastal Permits and Lease Booklet and Guidance [coastal.ohiodnr.gov/permits](http://coastal.ohiodnr.gov/permits)
- Ohio Coastal Design Manual [coastal.ohiodnr.gov/design](http://coastal.ohiodnr.gov/design)
- Ohio Revised Code §1506 [codes.ohio.gov/orc/1506](http://codes.ohio.gov/orc/1506)
- Ohio Administrative Code § 1501-6 [codes.ohio.gov/oac/1501-6](http://codes.ohio.gov/oac/1501-6)