

**LEGISLATIVE REVIEW
AUGUST 23, 2013 – REPORT #15**

OHBA COMMENTS ON LAKE ERIE REPORT

The Ohio Lake Erie Commission recently released a draft report titled *Lake Erie Protection and Restoration Plan*. The Commission is composed of various state agency departments. The Chair is the director of the OEPA. Comments on the report were due Friday, August 23rd.

Given the size of the document and short time to comment, we met with representatives of the Governor, Lieutenant Governor and Directors of ODNR and OEPA. The reason for the meeting was to point out a number of highly objectionable items contained in the draft plan. The primary problem centers on strong inferences the recommended regulatory actions proposed are MANDATED. This is not accurate. Many of the recommended actions are taken from the former balanced growth initiative where the recommendations are clearly VOLUNTARY. However, through crafty penmanship, the draft report gives every intention the STATE will withhold financial support and endorsement of actions not contained in the report. For example, will the OEPA be empowered to deny or modify permit applications where the local government has not aligned their ordinances to the state endorsed recommendations?

Clearly the report's inference that anything in the report is mandatory has no basis and is misleading. So why are we concerned? Let me quote some of the inferences and statements about residential development in the section titled SUSTAINABLE DEVELOPMENT:

AS URBAN AREA GROWS.....INEFFECIENCIES AND WASTE BECOME MORE APPARENT AND COMMON...

THIS GROWTH IS OFTEN REALIZED IN THE FORM OF HIGHER INDIVIDUAL TAX BURDENS AND LOSS OF A SENSE OF PLACE, REDUCED QUALITY OF INFRASTRUCTURE AND GOVERNMENT SERVICE.

THE DEVELOPMENT OF VEHICLE BASED COMMUNITIES THAT LIMIT THE POTENTIAL FOR ALTERNATIVE MEANS OF TRANSPORTATION, INCLUDING PEDESTRIAN WALKWAYS AND MASS TRANSIT COMPOUND THE ISSUE.

There are more, but the indictment that residential growth is a major issue in threatening the long term viability of Lake Erie is unfounded. The report also attempts to control district watershed plans so to conform in order to conform to state mandates.

Before too many of you think you are unaffected remember, the affected area, the Lake Erie basin runs southwest from Ashtabula County to Lima Ohio, which is roughly one-third of the state.

Another amazing statement made in the plan encourages preservation of agricultural land, despite the fact farm runoff is the major polluter of the Lake.

Our comments have been made both at our meeting, stated above, and formally, through the Commission's commenting process. We requested the report clearly state whatever is inferred or otherwise in the report is voluntary and is not mandated. We also asked the language offensive to residential development be removed, and suggested the need for affordable housing be included and encouraged in any State plan for action affecting the well-being of Ohioans.

Please contact OHBA with any comments or questions.