



Press Release

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Groups Appeal Court Decision Blocking Ohio Citizens from Lake Erie Shoreline

COLUMBUS, OHIO (January 8)-Conservation groups today took the first step to appeal an Ohio lower court decision that blocks Ohio citizens from walking, fishing and recreating along the shores of Lake Erie.

The groups seek to overturn a December 11th decision by Lake County Common Pleas Court Judge Eugene Lucci, which redefines the boundary separating public and private property along the Lake Erie shoreline from the ordinary high water mark to the point at which the water meets land from moment to moment—effectively barring citizens from the shores of Lake Erie unless they are in the lake itself.

“We are filing this appeal to protect the historic right of all citizens to stroll, fish and recreate along the shores of Lake Erie,” said Neil Kagan, senior attorney for the National Wildlife Federation. “The law is clear: The Lake Erie shoreline is a public trust for all to enjoy.”

The lower court ruling goes against more than 100 years of Ohio legal precedent, which holds that the land up to the high water mark be held in public trust.

“Our appeal comes down to one thing—beating back an attempt to strip Ohio citizens of their centuries-old right to access the shores of Lake Erie,” said Keith Dimoff, executive director for the Ohio Environmental Council. “This flawed decision will mean fences and “KEEP OUT” signs along our shore; we will not let that happen.”

Ohio Attorney General Marc Dann is expected to file a notice of appeal today, even though Ohio Gov. Ted Strickland has sided publicly with the plaintiffs who are attempting to keep Ohio citizens off the shores of Lake Erie.

“We stand arm-in-arm with the Attorney General to uphold the right of all Ohio citizens—not just a privileged few—to enjoy access to Lake Erie,” said Larry Mitchell, president of the League of Ohio Sportsmen. “We will vigorously defend the public trust doctrine and we will prevail.”

The case, *Merrill v. State of Ohio and NWF, et. al.*, is similar to a landmark Michigan lawsuit that resulted in a unanimous Michigan Supreme Court decision upholding the public trust up to the high water mark.

The National Wildlife Federation, Ohio Environmental Council and League of Ohio Sportsmen filed the notice of appeal with the Eleventh District Court of Appeals of Ohio.

“We are looking to re-affirm a core belief of this country grounded in legal precedent—that regardless of class or race or social standing, every American citizen has the right to enjoy access to the Great Lakes, one of our country’s natural treasures,” said Andy Buchsbaum, regional executive director of the National Wildlife Federation’s Great Lakes office. “This is the foundation of not only our outdoor heritage, but our society as a whole. It’s just plain right.”

For more information visit:

<http://www.nwf.org/news/>

<http://www.leagueofohiosportsmen.org/>

<http://www.theoec.org/>

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The mission of the Ohio Environmental Council (www.theOEC.org) is to secure healthy air, land, and water for all who call Ohio home. The OEC is a network of more than 100 local and state environmental-conservation organizations.