

U.S. ARMY CORPS OF ENGINEERS  
PITTSBURGH  
DISTRICT  
MOSQUITO CREEK LAKE

SHORELINE MANAGEMENT PLAN  
February 2014

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**U.S. ARMY CORPS OF ENGINEERS  
PITTSBURGH DISTRICT  
MOSQUITO CREEK LAKE, OHIO**

**SHORELINE MANAGEMENT PLAN  
PART II.7.A OF THE OPERATIONAL MANAGEMENT PLAN  
February 2014**

1. INTRODUCTION

a. Purpose: The Shoreline Management Plan establishes policy and furnishes guidelines for the protection and preservation of the desirable environmental characteristics of the Mosquito Creek Lake shoreline consistent with the project's authorized purposes.

b. Authority: The authority to establish this plan is provided by the ER 1130-2-406, Shoreline Management at Civil Works Projects, 31 October 1990.

c. References:

- (1) Section 4, 1944 Flood Control Act, as amended (16 USC 406d).
- (2) The Rivers and Harbors Act of 1894, as amended and supplemented (33 UDC 1).
- (3) Section 10, Rivers and Harbors Act of 1899 (33 USC 403)
- (4) National Historic Preservation Act of 1966 (P.L. 89-665; 80 Stat. 915) as amended (16 U.S.C. 1344, et seq.).
- (5) The National Environmental Policy Act of 1986 (42 U.S.C. 4321 et seq.).
- (6) The Clean Water Act (33 U.S.C. 1344, et seq.).
- (7) The Water Resources Development Act of 1986
- (8) Title 36, Chapter III, Part 327, Code of Federal Regulations, "Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers."
- (9) Executive Order 12088 (13 Oct 78).
- (10) 33 C.F.R. 320-330, "Regulatory Programs of the Corps of Engineers."
- (11) ER 1130-2-400, "Management of Natural Resources and Outdoor Recreation at Civil Works Water Resource Projects."
- (12) EM 385-1-1, "Safety and Health Requirements Manual."

d. Applicability: This plan is applicable to all Mosquito Creek Lake project lands held in fee simple title by the U.S. Government (hereafter referred to as the Government) exclusive of lands leased for commercial concession activities. Facilities used in connection with commercial concessions are not affected by this plan, as these operations are effectively controlled under their respective lease agreements. Activities upon easement lands will continue to be regulated in accordance with the original easement conditions. These conditions generally require a written consent from the District Engineer for the erection of any structures and prohibit the placement of fill material within easement areas.

e. Policy: It is the policy of the Chief of Engineers to protect and manage shorelines of all Civil Works water resource development projects under Corps jurisdiction in a manner which will promote the safe and healthful use of these shorelines by the public while maintaining environmental safeguards to ensure a quality resource for use by the public. The objectives of all management actions will be to achieve a balance between permitted private uses and resource protection for general public use. Public pedestrian access to and exit from these shorelines shall be preserved. For projects and portions of projects where Federal real estate interest in limited to easement title only, management actions will be appropriate within the limits of the estate acquired.

The issuance of a private shoreline use permit does not convey any real estate or personal property rights to exclusive use rights to the permit holder. The public's rights of access and use of the permit area must be maintained and preserved. Owners of permitted facilities may take necessary precautions to protect their property from theft, vandalism or trespass, but may in no way preclude the public right of pedestrian or vessel access to the water surface or public land adjacent to the facility. Shoreline Use Permits will only be issued to individuals or groups with legal right of access to public lands.

f. History: The Mosquito Creek Lake project was authorized by Congress under the Flood Control Act of June 28, 1938 (P.L. 75-761). Construction of the dam began in July 1943 and full operation of the project commenced in April 1944. The recreation potential of Mosquito Creek Lake was recognized early by Department of Natural Resources officials in the State of Ohio. Subsequently, that agency has since assumed the responsibility for development and management of the recreation resources at Mosquito Creek Lake under a long term license agreement with the Secretary of the Army and the Ohio Department of Natural Resources (ODNR) executed in July of 1946. In 1971, the Government entered into a lease for park and recreation purposes and a license for fish and wildlife management. Both of these documents are dated July 31, 1971. The park and recreation lease is for a term of 50 years, and the license for fish and wildlife management is for a term of 25 years.

Inasmuch as the shoreline of the lake abuts extensive amounts of private property, adjacent landowners have requested, almost from completion of the project, permission to install boat docks, place erosion control devices, create paths, and mow on Government lands. These uses are generally referred to as "private exclusive use" (see paragraph 2.d.). In order to manage the resource effectively, ODNR has developed permit procedures. In accordance with ODNR permit procedures, adjacent property owners were allowed to construct and use private exclusive boat dock facilities, provided they were constructed sound and posed no apparent

health or safety problems. Also, unauthorized uses have taken place upon Government land by some adjoining property owners including mowing, other forms of vegetative modification, and land uses. Requests for private exclusive use activities such as mowing, creating paths, and placement of erosion control devices have never been honored by Ohio DNR.

g. Cultural Resources: Currently, there are 40 recorded archaeological sites in and around Mosquito Creek Lake. The records on these sites are on file at the Ohio Historic Preservation Office in Columbus, Ohio, and copies of these site forms are filed with the Environmental Studies Team, Planning Division. There was no formal cultural resource investigation conducted prior to the construction of the reservoir in the 1940's. Information on the majority of these sites has been gathered by professional and avocational archaeologists through salvage operations during dry and shallow periods. These cultural resources convey a history and prehistory of the area that goes back 10,000 years. The current condition of these sites is unknown, but the site forms indicate that many were destroyed through erosion.

All lands within the Federal boundary of Mosquito Creek Lake have the potential to contain unrecorded prehistoric architectural resources. A recent survey of the District's civil works housing conducted by Planning Division has determined that the dam tender's dwellings are eligible for the National Register of Historic Places (NRHP) and formal nomination is pending. And, although not formally determined eligible, the dam and associated features must be considered NRHP eligible properties for the purpose of operation, maintenance and development. Its quick construction, unique design feature, and importance in the local war efforts during World War II combine to provide a local and state, if not national, significance to the property.

The future discovery of any prehistoric artifacts or features (arrow and spear points, debitage, pottery fragments, grinding stones, fire and storage pits, etc.) or historic artifacts that cannot be attributed to common field scatter (ceramics, glass, metal tools and implements, food bones, etc.) are to be reported to the Mosquito Creek Lake Resource Manager. The Resource Manager will then route the information through proper channels to the Chief, Natural & Cultural Resources Branch, Planning Division, for Section 106 of the Historic Preservation Act evaluation and coordination.

## 2. OBJECTIVES OF THE PLAN

a. General: Experience has shown that management is necessary to prevent large sections and possibly all of the Mosquito Creek Lake shoreline from becoming congested with private exclusive uses and facilities. The problem created by private exclusive uses and facilities is that the general public is excluded from using the shoreline of the lake where such exclusive use or facility is permitted. Even the mowing of government land gives the appearance that the land is in private ownership and cannot be used by the general public. The intent of this lakeshore management plan is to maximize the recreation use and enjoyment of Mosquito Creek Lake by all segments of the population and at the same time promote a greater compatibility between the recreation user, the environment, and the overall project purposes and resources.

The objectives of this plan are to provide the means to manage and protect the Mosquito Creek Lake shoreline, establish and maintain acceptable fish and wildlife habitat, preserve aesthetic commitments to private individuals, and finally, promote the safe and healthful use of the lake and shoreline for all recreational purposes by all members of the public.

b. Preliminary Study: A preliminary study of Mosquito Creek Lake for the development of a Lakeshore Management Plan began shortly after ER 1130-2-406, "Lakeshore Management a Civil Works Projects," regulation was published in the Federal Register on May 30, 1974. This study consisted of an inspection of the shoreline, an identification and review of current problems, an assessment of the extent of private development, and an evaluation of the potential for future development. A variety of proposals were discussed with the Ohio Department of Natural Resources, the agency ultimately responsible for the implementation of the plan. In the development of the initial plan, the entire shoreline was inspected by representatives of the Ohio Department of Natural Resources and the Corps of Engineers.

c. Public Involvement: After the development of the preliminary plan, seven Information Center meetings were held at seven geographic areas which serve the lake. Approximately 100 members of the public attended these seven Information Center meetings.

<u>Location</u>	<u>Date</u>	<u>Time</u>
Youngstown, Ohio	April 25, 1985	2-9 P.M.
West Middlesex, PA	April 26, 1985	2-9 P.M.
Warren, Ohio	April 29, 1985	2-9 P.M.
Cortland, Ohio	May 1, 1985	2-9 P.M.
Cortland, Ohio	May 2, 1985	2-9 P.M.
Cleveland, Ohio	May 6, 1985	2-9 P.M.
Akron, Ohio	May 7, 1985	2-9 P.M.

The purpose of the Information Center meetings was to present the initial preliminary plan to the general public and to explain the State's proposed dock and mowing policies. Corps and Ohio DNR representatives were present at each Informal Center meeting to answer questions about the plan and to solicit comments regarding the proposed plan. A public meeting to present the plan in its entirety was held on May 22, 1985 at Lakeview High School in Cortland, Ohio. Approximately 150 members of the public attended this meeting. Included were individuals representing themselves, boat clubs, property owners' associations, conservation organizations, interested groups, and local, state and Federal officials. As a result of comments received at this meeting concerning the State's proposed policy, which would phase out mowing, it was decided to meet further with the representatives of the groups around the lake to discuss the mowing issue. The first meeting with the Mosquito Lake property owners was held on July 24, 1985. The proposed plan was reviewed in detail. The main objection to the plan was the eventual elimination of mowing over a six-year period. The possibility of adding community dock areas was also discussed. It was decided that the next meeting would consist of a boat tour to view the areas presently being mowed and to inspect community dock sites.

A second meeting which consisted of a boat tour of the lake to inspect the areas being mowed and proposed sites for new community dock areas was held on August 19, 1985. On October 21, 1985, the Mosquito Lake Property Owner submitted a proposed shoreline management plan to the State of Ohio and the Corps. Ohio DNR and Corps Representatives met November 26, 1985 to review the property owners' proposal. The property owners proposed to allow mowing 150 feet from the shoreline and 150 feet from adjacent property line. This proposal was unacceptable to Ohio DNR and the Corps.

As a result of this review of the property owner's proposal and the input from the two previous meetings with the property owners, a revised mowing policy was proposed in the final draft of the plan. In this revised draft plan, the State of Ohio DNR proposed establishment of new community dock areas and a revised mowing policy which eliminated phasing out of mowing, but allowed mowing of a 40-foot strip of Government land adjacent to private abutting property.

On April 24, 1986, a third meeting was held with the Mosquito Lake Property Owners. The revised mowing policy allowing a 40-foot strip of Government land to be mowed was presented to the committee but did not meet with their approval. The meeting ended with a promise by the State to consider the possibility of further concessions on the mowing issue. On July 14, 1986, the State informed the Corps that it was decided to allow adjacent property owners to mow what they had mowed prior to January 1, 1985. The Corps then proceeded to again revise the plan to reflect this latest change. The plan was also revised to reflect the fact that the Division of Wildlife prohibits all mowing in their north of the Route 88 causeway. The Exhibit A Allocation Map was also revised to show the additional limited development areas. The final version of the plan was then submitted to the Corps of Engineers' Ohio River Division for review and approval. This plan was then released to the public in April 1987.

In 1997 the Shoreline Management Plan was reviewed and minor revisions were made in the accordance with government regulations.

- d. Commercial Concessions: The number of concessions on the lake and the number of docks at each concession will continue to be strictly controlled by the Chief of the Division of Parks and Recreation, Ohio Department of Natural Resources. Boat owners will be encouraged to moor their boats at the commercial marinas, utilize dry storage facilities off project lands, or trailer their boats to the public launching ramps provided by the Ohio DNR and the Corps of Engineers.
- e. Private Exclusive Use: Private exclusive use is the use of public lands or waters by a private citizen or the predominant interest of that individual or organization such that any benefit to be derived therefrom is in the predominant interest of that individual or organization. Private exclusive use may occur as an activity, e.g. mowing, or a spatial use that occurs when facilities, such as steps, docks, private land adjoining Government property does not convey any rights or privileges on the adjacent public lands and waters. Any exclusive use of public land and waters will be allowed only by permit or outgrant instrument.

### 3. DESCRIPTION OF THE SHORELINE:

a. General: Mosquito Creek Lake is located on Mosquito Creek approximately nine miles above its junction with the Mahoning River at Niles, Ohio. The Lake's location is within the farthest advance of ancient glacial ice sheets. This glacial influence produced a flat plateau surface which streams have eroded into shallow and moderately wide valleys. There is an uncontrolled natural waterway located at the northeastern corner of the lake area in a low lying depression of the Mosquito Creek-Grand River Divide. The elevation of this natural waterway at the point of the divide is such that if an impoundment of floodwaters should fill the lake to elevation 904.9 NGVD, flow is reversed and the overflow would discharge through the waterway into a tributary of the Grand River which flows into Lake Erie.

The area around the lake has several wooded tracts on project lands consisting mainly of beech-sugar maple and oak-hickory communities. The northern portion of the project lands above the Ohio Route 88 causeway is comprised mainly of swamps and marshes, creating excellent waterfowl habitat.

b. Present Land Use: The Mosquito Creek Lake project encompasses a total of 11,457 acres of land, of which 11,181 acres are owned in fee which that remaining 276 acres are regulated or controlled by flowage easements. Of the fee owned land, 5,635.5 acres are leased to the Ohio Department of Natural Resources, Division of Parks and Recreation, for Mosquito State Park; 5,370 acres are licensed to the Division of Wildlife for fish and wildlife management purposes; 76 acres are operated as a public use area by the Corps; and the remaining 100 acres are utilized by the Corps for project operations. The lake is maintained at a summer pool elevation of 900.73 feet above sea level, creating a lake of 7,850 acres.

c. Private Development: A substantial amount of private residential development has occurred adjacent to the Mosquito Creek Lake project boundaries. This is a result of the project's attributes and proximity to urban/suburban areas such as Warren, Youngstown, Niles, and Cortland, as well as other major urban centers or Northeastern Ohio and Western Pennsylvania. The fee boundaries are not contiguous to other natural or man-made boundaries or barriers, such as roads. The vast majority of this private development is located south of the Ohio Route 88 causeway. The majority of the remaining contiguous property is under active cultivation or in pasture or woodlots.

At present, there are two types of private floating facilities permitted on Mosquito Creek Lake, docks and tie-ups. All such facilities are licensed by the Ohio Department of Natural Resources.

d. Existing Public Access: Several roads and developed ramps provide public boat launch sites around the lake. Pedestrian access to the water is available anywhere along the Government-owned property.

e. Prior Commitment: Historically, private boat docks have always been permitted at Mosquito Creek Lake except during the period when a moratorium was established pending the development and approval of this shoreline management plan. Dock licenses (permits) are issued by the Ohio Department of Natural Resources, Division of Parks and Recreation. It is the intention

of Ohio DNR and the Corps to continue to honor past written commitments made to individuals for their private floating structures. The granting of dock licenses for grandfathered facilities is discussed in paragraph 5.d.

f. Indian Lands: There are no Indian lands within the boundaries of the Mosquito Creek Lake project.

g. Joint Jurisdiction – Federal: There is no other Federal agency at Mosquito Creek Lake.

h. Joint Jurisdiction – State: The Ohio Department of Natural Resources, Division of Parks and Recreation, has a current lease with the Corps of Engineers for 5,635.5 acres of land and water for public park and recreation purposes. The Ohio DNR, Division of Wildlife, also has a license with the Corps on 5,370 acres of land and water for fish and wildlife management.

i. Joint Jurisdiction – Municipal: There are no lease, license, or cost-sharing agreements for recreation purposes at this time between the Corps of Engineers and any local municipalities.

j. For law enforcement purposes, all federally-owned land is subject to concurrent federal, state and local law enforcement as a particular fact situation warrants.

#### 4. SHORELINE ALLOCATION.

a. General: Development of adjoining private land increases the demand for private floating facilities. Therefore, it is apparent that a plan for systematic management of the shoreline is essential. The Shoreline Management Plan is intended to protect the natural beauty of the resource while regulating private exclusive use of the shoreline.

b. Allocations: A comprehensive study of the fee lands surrounding the shoreline resulted in the development of the plan herein for Mosquito Creek Lake which establishes shoreline allocations as shown on Exhibit A and as described below. The projects' easement lands have not been included in the shoreline allocation system. These areas are not owned in fee by the U.S. Government but are areas over which the Corps of Engineers has the right to flood and clear.

(1) Limited Development Areas: Certain private facilities and uses may be permitted in areas designated for limited development. For mooring boats, the density of floating facilities will not exceed 50 percent of the shoreline allocated for limited development when the lake level is at summer pool (Elev. 900.73). The density of development may be less than 50 percent if public access or the water depth is restrictive and also if the proposed use adversely affects the general public safety, resources of the project, or the available recreational opportunities as determined by the Ohio DNR. Mowing shall be permitted in limited development areas in accordance with paragraph 7.b., Vegetative Alteration. In limited development areas, dock permits may be issued for new permittees only at existing dock locations.

(2) Public Recreation Areas: Private exclusive use and facilities will not be permitted within or immediately adjacent to developed recreation areas, or in areas in proximity to parks where the structure(s) would detract from the view or the aesthetic qualities of the shoreline. No new shoreline use permits will be issued in any undeveloped but designated recreation areas. These areas are excluded from private exclusive use to set aside certain segments of public lands for possible future expansion of existing recreation areas and facilities. Any existing permitted docks or tie-ups in these areas will be grandfathered (permitted) in accordance with the conditions of paragraph 5.d. herein.

(3) Protected Shoreline Areas: Private exclusive use and facilities are not permitted in protected shoreline areas except as permitted in accordance with the conditions of paragraph 5.d. of this plan. These areas are designed to protect aesthetic, environmental, and fish and wildlife values. Other reaches of the shoreline are also included under this allocation of physical protection reasons including shallow areas and reaches of the shoreline subject to exposure by winds or currents. Land access and boating are permitted along the shoreline within these areas so long as aesthetic, environmental, and natural resource values are not damaged or destroyed.

(4) Prohibited Access Areas: These areas are designated for the safety and protection of the general public or for the protection of unique or fragile ecosystems. Prohibited areas include unique fish spawning beds and certain hazardous areas above and below the dam. Private exclusive use is prohibited in these areas.

## 5. PERMITS.

a. General: A permit, lease or license will be required for each private exclusive use or facility located on Government lands or waters of Mosquito Creek Lake. Private exclusive use of facilities not so covered by such legal instruments will be considered as unauthorized uses or structures and be subject to discontinuance, removal, or citation (including monetary fines) in accordance with Federal and State laws, rules and regulations.

It will be understood that the Corps of Engineers reserves the right, when deemed necessary, to enforce provisions of Title 36, CFR, Chapter III, Part 327, as they apply to the Shoreline Management Plan on lands leased or licensed to the Ohio DNR. An example would be the removal of archeological artifacts.

If the holder of the permit fails to comply with the terms of the permit, it may be revoked and the holder required to remove the structure, in accordance with the terms of the permit as to notice, time, and appeal.

Shoreline use permits (dock and mowing) are non-transferable. They become null and void upon sale or transfer of the permitted facility or the death of the permittee and his/her spouse.

b. Application Procedures for Construction of Duck Blinds: Applications for the construction of duck blinds can be obtained by contacting the Division of Wildlife's Mosquito Creek Refuge Manager. Duck blinds will be permitted only in those areas designated by the

Division of Wildlife. Placement, construction, and use of these blinds will be strictly regulated in accordance with applicable State laws and the Division of Wildlife regulations. Permits for duck blinds are issued at no cost by the Division of Wildlife. The Division of Parks and Recreation offers duck blinding in the non-hunting zone for a fee.

c. Honoring of Past Commitments: The Ohio DNR, Division of Parks and Recreation will continue to honor its past written commitments to those adjacent, abutting property owners who presently hold valid dock licenses. Upon approval of this plan, the owners of these docks will be reissued licenses and will be allowed to retain the dock in its present location providing the structure is properly maintained and remains in the ownership of the original licensee. This license shall remain in effect for one year and may be renewed by the original licensee. The appropriate dock licenses must be renewed by the original licensee and are nontransferable upon the sale or transfer of the residence or the death of the surviving licensee living at the residence. In community dock areas, once the property has changed hands, the new property owner may apply for a permit. Any dock permit applications from individuals who have existing permanent encroachments that have been referred to Real Estate will be processed only after a determination has been made that the individual is complying with any and all requests by Real Estate to resolve their encroachment(s).

In accordance with Section 1134(d) of Public Law 99-662, any houseboat, boathouse, floating cabin or lawfully installed dock or appurtenant structures in place under a valid shoreline use permit as of November 17, 1986, cannot be forced to be removed from any Federal water resource project or lake administered by the Secretary of the Army on or after December 31, 1989, if it meets the three conditions below except where necessary for immediate use for public purposes or higher public use or for a navigation or flood control project:

- (1) Such property is maintained in a usable and safe condition;
- (2) Such property does not occasion a threat to life or property;
- (3) And, the holder of the permit is in substantial compliance with the existing permit.

Paragraph 7, Vegetative Alteration, authorizes mowing south of the Route 88 causeway by (abutting) adjacent landowners which have been previously documented in the Pittsburgh District's Encroachment/Trespass Resolution Action Plan (ETRAP) as occurring prior to January 1, 1985. This includes previously mowed areas and paths. Vegetative alteration activities in the Ohio DNR Wildlife Area north of the Route 88 causeway are prohibited.

d. Flowage Easement Areas: Easement lands are those lands along the Mosquito Creek Lake shoreline for which the Government purchased only the perpetual right to flood or clear to the full pool contour. Activities on easement lands are generally restricted to those that pose no real threat to the continued operation and maintenance of Mosquito Creek Lake and/or Mosquito Creek Dam. The Corps of Engineers requests that individual easement property owners become familiar with their respective easement agreements and notify the Corps' Mosquito Creek Lake Resource Manager before undertaking any major vegetative alteration or construction.

e. Boat Clubs: Boat clubs will be permitted to obtain a specific number of dock permits from the Ohio DNR, Division of Parks and Recreation. The Mosquito State Park Manager will determine the allowable number of permits which will be issued to the club president who will in turn distribute them to the club members at no greater cost than the annual permitting fee charged by the Ohio DNR.

f. Public Marina Concessions: Public marina concessions will continue to be regulated by the Ohio DNR. They will monitor the need for dock facilities at their marinas.

g. Department of Army Permits: Permits will be required from the Corps of Engineers for the discharge of dredged material or the placement of fill material below the reservoir full pool elevation pursuant to Section 404 of the Clean Water Act. Section 404(b) (1) Guidelines (40 CFR Part 320) promulgated by EPA and the Corps' public interest review procedures (33 CFR Part 320 et seq.) will be applied when evaluating such permit applications.

h. Corps of Engineers Real Estate Instruments: Real estate instruments will be provided for all commercial development activities and for some activities which are not covered in paragraphs 6 and 7 of this plan. There will be a fee associated with the issuance of any such license based upon rate schedules established pursuant to regulation.

i. Conditions: Any individuals or groups wishing to use, change, or alter land contours, landscape, build upon, or place any facility upon Government property must obtain written permission for such activity from the Corps of Engineers through the Mosquito Creek Lake Resource Manager's Office. Plans and specifications for the construction of any structure or for the change or alteration of land contours on Government lands or waters are required. These documents will include structural design, anchorage methods, construction material, size, location, owners address and telephone number, and expected duration of use. In addition, required plans and specifications for any alterations or improvements to existing permitted facilities will be submitted to the Corps of Engineers at the Mosquito Creek Lake Resource Manager's Office. Any requests for activities described above will be coordinated and reviewed with the Ohio DNR.

## 6. COMMUNITY DOCK FACILITIES.

a. General: The shoreline at all existing licenses private mooring facilities, as described in paragraph 5.d., Honoring of Past Commitments, will be designated as limited development areas.

As of January 1<sup>st</sup>, 2014 there are four existing community docks.

- a. Jewel Bay
- b. Arrowhead
- c. Sunset South (Foltz)
- d. Cole Group

This plan establishes a minimum of five docks with a maximum of twelve and/or/ dock applicants, and approval by the Mosquito State Park Manager and the Corps of Engineers. Jewel Bay is the

excluded from the twelve maximum as previous commitments have allotted them a maximum of 24. Applications for these docks may be made only by adjacent, abutting property owners at the Mosquito State Park Manager's Office.

A maximum level of mooring density has been established for the following Boat Clubs:

Cortland Conservation Club- 19 dock spaces and 20 tie-ups

Trumbull Boat Club- 67 boats.

b. Basic Minimum Requirements: All private mooring facilities are subject to those conditions which are set forth in both the Ohio DNR's boat dock license application and the following Mosquito Creek Lake Shoreline Management Plan Requirements:

(1) Walkways will be at least 36 inches and not more than 48 inches in width. Exceptions will be made for persons with disabilities. Any existing dock facilities must conform to the above criteria at the time of renovation.

(2) Framing will consist of 2 x 6-inch lumber of its equivalent strength.

(3) Dock, if painted, will be painted white.

(4) At the time of installation or renovation, floatation devices must consist of a material that will not sink if punctured. Industrial metal drums, whether filled or not, are not acceptable floatation devices for private docks. Under no circumstances will containers formerly used for storage of hazardous materials be permitted.

(5) Electric line, lights, or outlets will not be permitted upon docks.

(6) No signs, including family names, will be erected upon docks. The words "private dock" may be painted on the upper surface of the dock walkways.

(7) Each section of a group dock shall be identified by the number corresponding to those which are recorded on the approved Ohio DNR's boat dock license application. This is required for compliance inspections and to act as an aid in the identification of the dock owner(s) in the event of storm damage.

(7) Vegetation on Government land, alive or dead, will at no time be used to anchor a dock. Easement property owners are also requested to voluntarily comply with this provision. This is necessary to prevent the destruction of healthy vegetation that would eventually result in the needless erosion of the Mosquito Creek Lake shoreline.

(8) Each licensee will display the tags provided by the Ohio DNR on his/her mooring facility on the front right hand corner on the face of the dock (left hand from the boat) in such a manner that they can be visually verified from either the shoreline or a boat.

(9) Private mooring facilities will be maintained in a safe state of repair. Unsafe structures, as determined by the Ohio DNR and/or the Corps of Engineers, will be subject to

immediate license revocation. Any docking facility that is not properly secured at the end of the recreation season may also be subject to impoundment and disposition in accordance with applicable Federal and State rules and regulations.

7. VEGATATIVE ALTERATION.

a. Landscaping, Tree Cutting, Tree Trimming, and Clearing: Activities such as landscaping, tree cutting, tree trimming, and clearing are prohibited on any portion of Government-owned lands at Mosquito Creek Lake including those lands leased to the State of Ohio, Department of Natural Resources.

b. Mowing on Government-Owned Lands: Unauthorized and unpermitted mowing has always been prohibited on all Government-owned lands at Mosquito Creek Lake including those lands leased to the State of Ohio, Department of Natural Resources. Under this plan, mowing is still prohibited in the Division of Wildlife's licensed area north of the Route 88 causeway.

All unauthorized mowing by adjacent landowners on Division of Parks and Recreation leased lands south of Route 88 causeway, previously documented in the Pittsburgh District's ETRAP as occurring prior to January 1, 1985, is authorized though the implementation of the Mosquito Creek Lake Shoreline Management Plan. Only those individuals will be issued mowing permits subject to certain conditions outlined below.

The adjacent (abutting) property owners identified in the ETRAP as mowing prior to January 1, 1985 will be permitted to mow Government land but not to exceed the extent mowed prior to January 1, 1985. The areas that have been extensively mowed will be designated as Limited Development Areas (LDA's) and are shown in red on Exhibit A. These individuals will be issued a permit to mow what had been previously mowed. Areas where just a path had been previously mowed will be included in the Protected Areas of the lake. These individuals will be issued a permit to mow just the path that had been previously mowed. Each of the mowed areas and paths will be documented in Exhibit C of this plan. In addition, during the implementation of this plan, the Corps' Mosquito Creek Lake Resource Manager will provide all the documentation necessary to establish mowing eligibility and verify that all trespasses and encroachments have been resolved in accordance with the requirements of paragraph 7.c., Issuance of Mowing Permits.

Mowing by all other individuals not documented in the ETRAP as mowing prior to January 1, 1985, is prohibited, and these individuals will not be eligible for mowing permits.

c. Issuance of Mowing Permits: Mowing permits will be issued to individuals only in accordance with the policy outlined in paragraph 7.b. above. All mowing activities will be issued by the Mosquito Creek State Park Manager and will be subject to an administrative fee. All mowing activities will be covered by a permit and will contain an added condition stating that "All lands covered by this permit will remain open at all times for use by the public." Documented annual mowing permits will be issued only for Government property mowed as of Jan 1<sup>st</sup>, 1985 and land owners adjacent to these parcels are eligible for permits. As the adjacent property changes hands the mowing area will be reduced to a 60 ft. path at the

Government property boundary to the shoreline. Those properties that are less than 60 ft. wide will be maintained at the current mowing dimensions.

The above annual mowing permits will be issued only to individuals living on adjacent property abutting Government property who have been documented as mowing prior to January 1, 1985. These mowing permits will be issued only for mowing and will not cover any other activity or item. The granting of this permit precludes that existence or occurrence of any trespass items or activities, or temporary or permanent encroachments on Government land by the individual. Therefore, any trespass items or activities must be removed or ceased and any encroachments of a temporary nature must be removed prior to granting a mowing permit.

Any mowing permit applications from individuals who have existing permanent encroachments that have been referred to Real Estate will be processed only after a determination has been made that the individual is complying with any and all requests by Real Estate to resolve their encroachment(s).

Mowing government property without a mowing permit is a violation and a citation will be issued. Repeated trespasses or failure to comply with requests to remove encroachments will result in the termination of the mowing permit. Trespasses or encroachment discovered after the issuance of a mowing permit shall result in termination of permission to mow.

d. Boat Club and Community Dock Mowing Permits: Mowing of Government land at boat club and community dock areas will be allowed under this plan within the guidelines presented below. In all cases, the final extent of mowing permitted will be determined jointly by the Mosquito State Park Manager and the Corps of Engineers' Mosquito Creek Lake Resource Manager. The issued mowing permit will not cover any other activity or item. The permit will contain an added condition stating "All land covered by this permit will remain open at all times for use by the public."

Granting of the permit precludes the existence or occurrence of any trespass items or activities, or temporary or permanent encroachments on Government land. Therefore, any trespass items or activities must be removed or ceased and any encroachments of a temporary nature must be removed prior to granting a mowing permit.

Mowing permit applications from community dock areas or boat clubs who have existing permanent encroachments that have been referred to Real Estate will be processed only after a determination has been made that they are complying with all requests by Real Estate Division to resolve their encroachment(s).

Repeated trespasses or failure to comply with requests to remove encroachments will result in the termination of the mowing permit. Trespasses or encroachments discovered after the issuance of a mowing permit shall result in termination of the mowing and/or dock license.

(1) Jewel Bay. Mowing will be permitted in the vicinity of the docks between the bay and the old roadbed, but not to exceed the present extent of mowing documented prior to January

1, 1985. This mowed area will provide for the reasonable use of the shoreline in the vicinity of the docks.

(2) Cortland Conservation Club. Mowing will be permitted between the shoreline and the Government property line but not to exceed the present extent of mowing.

(3) Community Boat Dock Areas. Mowing will be permitted in community dock areas. Mowing in present and future community dock areas will be limited to 60 feet for those areas not identified on the ETRAP as being mowed prior to January 1, 1985. At these areas, if no access is available in the immediate vicinity, a path will be determined after an inspection of the area by Ohio DNR, Division of Parks, and the Corps of Engineers representatives and the dock permittee(s).

## 8. LICENSED STRUCTURES WITHIN PROTECTED AREAS, LIMITED DEVELOPMENT AREAS AND EASEMENT LANDS.

a. General. Application should be made to the Corps' Mosquito Creek Lake Resource Manager for a license to cover authorized shoreline uses or facilities other than boat docking and forward them to the Chief, Real Estate Division, for processing. There will be a fee associated with the issuance of any such license based upon rate schedules established pursuant to regulation. (Erosion control devices and most structures on easement lands are exempt from these files.)

b. Steps, Walkways, and Footbridges: Steps, walkways, and footbridges are considered dock support facilities and will continue to be permitted in protected, limited development and easement areas. These types of support facilities shall be permitted to remain only as long as the dock is in use and under a valid dock permit.

c. Erosion Control Devices: Erosion control devices may be permitted where bank erosion is causing a problem or endangering adjacent private facilities. These devices may consist of riprap (stone) bank protection or wooden, steel, or placed concrete/masonry structures. All devices will require approval from the Corps of Engineers. Plans must be submitted to the Corp's Resource Manager before any such work is undertaken on Government property. The Manager will then forward the request along with the plan to the Real Estate Division for processing.

## 9. FEES.

a. Dock and Mowing Permits: Private boat dock permits and mowing permits will be issued by the Mosquito State Park Manager. The fees charged for these permits will be established by the Ohio Department of Natural Resources, Division of Parks and Recreation.

b. Licenses Issued by the Corps of Engineers: There will be a fee associated with issuance of a license from the Corps of Engineers' Real Estate Division based upon rate schedules established pursuant to regulation.

10. PROHIBITED FACILITIES AND ACTIVITIES.

a. General: All private exclusive uses or facilities that are located on Government owned land and are not covered by a valid permit, are prohibited. To properly preserve, manage, and protect the Mosquito Creek Lake shoreline for present as well as future users, all activities must be adequately controlled or in some cases prohibited.

Examples: Examples of prohibited facilities and activities include, but are not limited to, the following:

(1) Landscaping, Tree Cutting, Pruning, and Other Forms of Vegetative Alteration are prohibited. All mowing is prohibited, except that permitted in connection with a valid boat dock permit or grandfathered mowing under permit in accordance with the approved Plan.

(2) Vehicles. All vehicles are prohibited on Government land except tractor-type and golf cart vehicles, which will be used for the following exclusive use: grass mowing and installation/removal of docks.

(3) Sewage or Outfall Structures. Any type of sewage or outfall structure is prohibited. This includes septic and gray water drainage.

(4) Fences. Any type of fence or similar structure is prohibited unless authorized in conjunction with agricultural lease.

(5) Land Form Modification. Any type of land form modification, excavation, or fill is prohibited unless the modification is in compliance with approved plans for the permitted activity.

(6) Flag Poles. All flag poles located on Government fee lands which were erected prior to November 9, 1981, are permitted to remain in place. A letter permit will be issued at no charge to the adjacent property owner(s) if his/her existing flag pole is covered by the terms of the grandfathering clause in this plan. The letters of permit will allow present owners to maintain their flag poles as long as they live on and own the adjacent property. The letter permit is nontransferable if the current owner transfers or sells the adjacent property.

(7) Camping. Camping will only be permitted in State-operated campgrounds.

(8) Buoys or Waterways Markers. Privately owned buoys or waterway markers are prohibited unless under permit by the Ohio DNR, Division of Parks and Recreation as provided in Ohio DNR, Law 1547.08.

(9) Gardens. Vegetable, flower, or rock gardens are prohibited.

(10) Burning. Burning of any materials by private individuals is prohibited on any Government-owned lands managed by the Corps of Engineers or the Ohio DNR.

(11) Trash. Accumulations of garbage, trash, refuse, litter, or similar material on Government-owned land is prohibited.

(12) Mooring. Boat owners who do not possess a valid Ohio DNR boat dock license for a private dock or tie-up must moor their boats at the public marina or trailer their craft to and from the free public launching ramps. In no case will boats be permitted to be left unattended or temporarily moored, anchored, or tied to trees overnight along the Mosquito Creek Lake shoreline.

(13) Storage. The construction of outhouses and sheds or the storage of any equipment, supplies, or materials on Government fee owned land is strictly prohibited.

(14) Herbicides. Any herbicides used for vegetation control must first be approved by the Ohio DNR (as stated in Ohio DNR Policy “Selection and Use of Pesticides on Lands and Waters Managed by the Department of Natural Resources,”).

(15) Painting. Tree trunks, boulders, stumps, or rock outcroppings shall not be painted or whitewashed. They will be maintained in their natural condition.

(16) Other. Picnic tables, benches, lawn furniture, ornamental structures and figurines, playground equipment, firepits, patios, signs, swim floats, swimming pools, dog houses, tree houses, etc. will not be permitted on Government-owner land.

## 11. REVIEW.

This Shoreline Management Plan is intended to be a flexible and working document. The Corps of Engineers and the Ohio DNR will continually monitor the resources of Mosquito Creek Lake and the recreational needs of the users of the project and will recommend revisions that will minimize conflicts between various interests.

Requested activities not addressed by this Shoreline Management Plan will be reviewed by ODNR and the Corps of Engineers for approval. When evaluating the requested activity, consideration will be given to other individuals, groups, or organizations that may be affected by the proposed activity.

Minor changes in area limits or allocations will continue to be approved by the Corps of Engineers in cooperation with the Ohio DNR and reported to the Division Engineer.

7 Encl  
Exhibits A through G



EXHIBIT A

MOSQUITO CREEK LAKE LAKESHORE ALLOCATION MAP

**EXHIBIT B**  
**SUMMARY OF APPLICATION PROCEDURES**

## EXHIBIT B

### SUMMARY OF APPLICATION PROCEDURES

#### **Mowing Permits**

Mowing permits, provided for the mowing of Government-owned lands at Mosquito Creek Lake, including those lands leased to the State of Ohio. DNR, are issued by the Mosquito State Park Manager and can be obtained at the Mosquito State Park Office.

Only those individuals living on adjacent abutting Government-owned lands who have been documented as mowing prior to January 1, 1985 may apply for a permit. These individuals desiring a permit should stop by the Mosquito State Park Office, in person, during regular office hours to apply.

Any trespass items or activities must be removed or ceased and any encroachments of a temporary or permanent nature must be removed prior to granting of the mowing permit.

Mowing permits will be issued for a one-year period and any application fee must be paid following approval before April 30<sup>th</sup>.

#### **Dock Permits**

Individuals who currently have a license for a community dock/tie-up must renew during the 30-day period between March 1 and March 31; otherwise the option to renew is canceled without further notice. These individuals should stop by the Mosquito Creek State Park Office in person during regular office hours to apply.

EXHIBIT C

DESIGNATION OF LIMITED DEVELOPMENT AREAS

## EXHIBIT C

### DESIGNATION OF LIMITED DEVELOPMENT AREAS

In accordance with paragraph 7.b., Mowing on Government-Owned Lands, all unauthorized mowing by contiguous (abutting) adjacent landowners on Department of Parks and Recreation leased lands south of Route 88 causeway, previously documented in the Pittsburgh District's ETRAP as occurring prior to January 1, 1985, is authorized through the implementation of the Mosquito Creek Lake Shoreline Management Plan. Only those individuals documented as mowing will have the Government land adjacent to their property designated as limited development. Only these individuals will be issued mowing permits subject to certain conditions outlined below.

Under this Plan, mowing is still prohibited in the Division of Wildlife's licensed area north of the Route 88 causeway.

The adjacent (abutting) property owners identified in the ETRAP as mowing prior to January 1, 1985 will be permitted to mow Government land but not to exceed the extent mowed prior to January 1, 1985. The areas that have been extensively mowed will be designated as Limited Development Areas (LDA's) and are shown in red on Exhibit A. These individuals will be issued a permit to mow what had been previously mowed. Areas where just a path had been previously mowed will be included in the Protected Areas of the lake. These individuals will be issued a permit to mow just the path that had been previously mowed.

The Corps' Mosquito Creek Lake Resource Manager will provide the documentation necessary to establish mowing eligibility and verify that all trespasses and encroachments have been resolved in accordance with the requirements of paragraph 7.c. Issuance of Mowing Permits.

LISTING OF INDIVIDUALS ORIGINALLY ELIGIBLE FOR MOWING PERMITS  
AS OF 1 JANUARY 1985

<u>TRACT NUMBER</u>	<u>*PERMITTEE NAME AND ADDRESS</u>
1. A-126	Trumbull Boat Club Warren-Meadville Road
2. A-126	Cesta, Louis V. 3363 Warren-Meadville Road
3. A-126	Kaszowski, Stanley 3475 McCleary-Jacoby Road
4. A-126	Burkey, Robert F. 3513 McCleary-Jacoby Road
5. A-125	Hull, Walter E. 3525 McCleary-Jacoby Road
6. A-125	Oakes, Grant 3549 McCleary-Jacoby Road
7. A-125	Oakes, Grant 3549 McCleary-Jacoby Road
8. A-106	Cortland Conservation Club 3931 McCleary-Jacoby Road
9. B-209	Foltz, Mrs. Earl 4949 McCleary-Jacoby Road
10. B-209	Waits, Richard S. 4979 State Route 46
11. B-209	Barto, Ray 5007 State Route 46
12. B-209	Shafer, Charles 5017 State Route 46
13. B-209	Carter, John 5031 State Route 46
14. B-209	Rupp, John 5043 State Route 46
15. B-209	Hardesty, Mrs. D. O. 5049 State Route 46
16. B-209	Elston, Edward E. 5059 State Route 46
17. B-209	Lancey, Virginia 5099 State Route 46
18. B-209	Kozlowski, William V. 5109 State Route 46

\*All addresses Cortland, Ohio 44410 unless otherwise noted

TRACT NUMBER

\*PERMITTEE NAME AND ADDRESS

- |                   |  |
|-------------------|--|
| 19. B-208         | Falkner, Ernest L.<br>5183 State Route 46  |
| 20. B-204         | Urchek, Mary<br>5263 State Route 46  |
| 21. B-204         | Powers, Russell F.<br>State Route 46<br>Also: 175 E 211 <sup>th</sup> St<br>Euclid, Ohio 44123   |
| 22. B-203         | Parker, Stanton E.<br>5375 State Route 46<br>Also: 518 Calla, NW<br>Warren, Ohio 44483           |
| 23. B-203         | Dayner, Brook<br>PO Box 336  |
| 24. C-344         | Presjak, Faith<br>5431 State Route 46  |
| 25. C-343 and 341 | Unknown  |
| 26. C-341         | Sepanek, James<br>5577 State Route 46  |
| 27. C-337         | Wrobleski, Vincent J.<br>State Route 46<br>Also: 9713 David Road<br>Garfield Heights, Ohio 44125 |
| 28. C-337         | King, Ruth<br>5611 State Route 46  |
| 29. C-337         | Young, Donald<br>5623 State Route 46   |
| 30. C-337         | Cole, William R.<br>State Route 46   |
| 31. C-337         | Snedden, Robert T.<br>5637 State Route 46  |
| 32. C-337         | Mitchell, Earl E.<br>5651 State Route 46   |
| 33. C-337         | Occupant<br>State Route 46   |
| 34. C-337         | Wonders, William W.<br>5683 State Route 46   |
| 35. C-337         | Johnson, Jeffrey<br>5705 State Route 46  |

\*All addresses Cortland, Ohio 44410 unless otherwise noted

TRACT NUMBER

\*PERMITTEE NAME AND ADDRESS

36. C-336	Occupant 5755 State Route 46
37. C-336	Montgomery, Thomas P. 5765 State Route 46
38. C-336	Occupant State Route 46
39. C-336	Love, P. J. 5845 State Route 46
40. C-320	Culver, Mark 5887 State Route 46
41. C-320	Falkner, William C. 5901 State Route 46
42. C-320	Sofchek, Joseph R. 5935 State Route 46
43. C-319	Baldwin, George 5961 State Route 46
44. C-319	Smith, Leroy W. 5971 State Route 46
45. C-319	Brownlee, Arlene 5977 State Route 46
46. A-102	Urchek, Donald P. 3900 Lakeshore Drive
47. A-111	Crane, Robert 3904 Lakeshore Drive
48. A-111	Clark, Frank R. 3920 Lakeshore Drive
49. A-111	Sprague, Lester R. 3930 Lakeshore Drive
50. A-111	Sekerak, Robert 3932 Lakeshore Drive
51. A-111	Wildman, Darwin 3950 Lakeshore Drive
52. A-103	Brownlee, William R. 3966 Lakeshore Drive
53. A-103	Mooney, Ronald F. 3974 Lakeshore Drive
54. A-103	Buch, Alan 3996 Lakeshore Drive

\*All addresses Cortland, Ohio 44410 unless otherwise noted

TRACT NUMBER

\*PERMITTEE NAME AND ADDRESS

55. A-103	Kowalczyk, Theodore Lakeshore Drive
56. A-103	Henry, Orrin E. 4034 Lakeshore Drive
57. A-103	Dudley, Kenneth 4042 Lakeshore Drive
58. A-103	Slovinsky, John F. 4052 Lakeshore Drive
59. B-201	Aldridge, John W. Cottage Drive Also: 179 Gates Street
60. B-201	James, Mrs. David E. 5246 Cottage Drive
61. B-201	Futey, Joseph Cottage Drive Also: 3730 Ridge Road
62. B-201	Bevan, Robert 5262 Cottage Drive
63. B-201	Occupant 5268 Cottage Drive
64. B-201	Occupant Cottage Drive
65. B-201	DeJute, Marilyn 5924 Cottage Drive
66. B-201	Little, Raymond J. 5304 Cottage Drive
67. B-201	DiCenso, Anthony 5310 Cottage Drive
68. B-201	Hawkins, Wynn 5326 Cottage Drive
69. B-201	Ganard, Frances 5334 Cottage Drive
70. C-339	Foster, John B. 5386 Lakeview Drive
71. C-339	Vukner, Stephen 5398 Lakeview Drive
72. C-339	Johnson, Elmer J. 5452 Lakeview Drive
73. C-339	Coughenour, Charles 5518 Lakeview Drive

\*All addresses Cortland, Ohio 44410 unless otherwise noted

CURRENT LISTING OF INDIVIDUALS ELIGIBLE FOR MOWING PERMITS  
AS OF APRIL 2010

<u>TRACT NUMBER</u>	<u>*PERMITTEE NAME AND ADDRESS</u>
1.	McBride, Robert 3363 Warren-Meadville Road
2. A-126	Wildman, Darwin & Patricia 3475 McCleary-Jacoby Road
3. A-126	Burkey, Robert F. 3513 McCleary-Jacoby Road
4. A-125	Oakes, Grant 3525 McCleary-Jacoby Road
5. A-125	Oakes, Grant 3549 McCleary-Jacoby Road
6. A-125	Oakes, Grant 3569 McCleary-Jacoby Road
7. A-106	Cortland Conservation Club 3931 McCleary-Jacoby Road
8. B-209	St. Robert's Church 4659 Niles-Cortland Road
9. B-209	Foltz, Mrs. Earl 4949 McCleary-Jacoby Road
10. B-209	Barto, Hazel 5007 State Route 46
11. B-209	Carter, Kenneth 5031 State Route 46
12. B-209	D'Amico, Sharon 4979 State Route 46
13. B-209	Naylor, Larry E. 4987 State Route 46
14. B-209	Elston, Edward E. 5059 State Route 46
15. B-209	Lancey, Stan 5099 State Route 46
16. B-209	Clark, Carl 5089 State Route 46
17. B-209	Kozlowski, William V. 5109 State Route 46

\*All addresses Cortland, Ohio 44410 unless otherwise noted

TRACT NUMBER

\*PERMITTEE NAME AND ADDRESS

- |                   |   |
|-------------------|---|
| 18. B-209         | Hayes, Donald<br>5017 State Route 46  |
| 19. B-209         | Pratt, Robert L.<br>5043 State Route 46   |
| 20. B-209         | Nuskiewicz, Trish<br>5049 State Route 46  |
| 21. B-209         | Urchek, Martin D.<br>5119 State Route 46  |
| 22. B-208         | Governor, James<br>5183 State Route 46  |
| 23. B-204         | Urchek, Mary<br>5263 State Route 46   |
| 24. B-204         | Powers, Russell F.<br>5333 State Route 46<br>Also: 175 E 211 <sup>th</sup> St<br>Euclid, Ohio 44123 |
| 25. B-204         | Caroots, Mark<br>5355 State Route 46<br>Also: 1372 Gilbert<br>Mineral Ridge, OH                     |
| 26. B-203         | Burnett, Lloyd & Peggy<br>5375 State Route 46   |
| 27. C-344         | Presjak, Phillip & Faith<br>5431 State Route 46   |
| 28. C-343 and 341 | Steines, Robert A.<br>511 State Route 46  |
| 29. C-341         | Sepanek, Chris & Bonnie<br>5577 State Route 46  |
| 30. C-343         | Robinson, Mark E.<br>5451 State Route 46  |
| 31. C-337         | Green, Diane<br>State Route 46<br>Also: 6548 Hunt Circle<br>Mayfield Village, Ohio 44143            |
| 32. C-337         | Malachy, Greg<br>5611 State Route 46  |
| 33. C-337         | Young, Donald<br>5623 State Route 46  |

TRACT NO.

PERMITTEE NAME AND ADDRESS

34. C-337	Cole, William R. 5629 State Route 46
35. C-337	Falk, Doug. 5637 State Route 46
36. C-377	Thomas, Robert 5651 State Route 46
37. C-337	Lewis, Joy W. 5675 State Route 46
38. C-337	Henderson, Charles 5683 State Route 46
39. C-337	Sidor, Thomas 5705 State Route 46 Also: 1527 Hiram Avenue Niles, Ohio 44446
40. C-336	Occupant 5755 State Route 46
41. C-336	Rolko, Louis 5765 State Route 46 Also: 4091 West 56 <sup>th</sup> Street Cleveland, Ohio
42. C-336	Occupant State Route 46
43. C-336	Love, P. J. 5845 State Route 46
44. C-320	Culver, Lynn 5887 State Route 46
45. C-320	Falkner, William C. 5901 State Route 46
46. C-320	Ainsly, Ray 5935 State Route 46
47. C-319	Summers, Myron & Denise 5961 State Route 46
48. C-320	Balentine, Chris 5971 State Route 46
49. C-320	Sanzenbacher, Gail 5977 State Route 46
50. C-320	Heitzwebel, Richard E. 5991 State Route 46

TRACT NO:

PERMITTEE NAME AND ADDRESS

51. C-320	Graham, Thomas 5999 State Route 46
52. C-320	Perhacs, Dawn 6011-D State Route 46 Claypool, Melvin & Rita
53. C-320	Also: 135 Lawnview Avenue Niles, Ohio 44446
54. C-319	Green, Gene 6019 State Route 46 Also: 1509 Parkman Road Warren, Ohio
55. C-319	Leedy, Mike 6023 St Rt 46 120 Twp Hwy 301 Hammondsville, Ohio 43930
56. C-319	Yohman, Janet 6033 State Route 46
57. C-319	Balta, Julius 6047 State Route 46
58. A-102	Urchek, Donald P. 3900 Lakeshore Drive
59. A-111	Crane, Katherine 3904 Lakeshore Drive
60. A-111	Clark, Frank R. 3920 Lakeshore Drive
61. A-111	Batman, Barry & Weller, Sherry 3930 Lakeshore Drive 237 Robbies Run Cortland, Ohio
62. A-111	Stevens, Diane 3932 Lakeshore Drive
63. A-111	Kilpatrick, Greg 3966 Lakeshore Drive
64. A-103	Hetrick, Charles 3966 Lakeshore Drive

<u>TRACT NO.</u>	<u>PERMITTEE NAME AND ADDRESS</u>
65. A-103	Mooney, Ronald F. 3974 Lakeshore Drive
66. A-103	Carlson, Paul 3996 Lakeshore Drive
67. A-103	Becka, Charles 4006 Lakeshore Drive
68. A-103	Sheets, John 4042 Lakeshore Drive
69. A-103	Dudley, Kenneth H. 4042 Lakeshore Drive
70. A-103	Slovinsky, John F. 4052 Lakeshore Drive
71. B-201	Aldridge, John W. 5328 Cottage Drive Also: 179 Gates Street
72. B-201	Dipiero, Ralph 5246 Cottage Drive
73. B-201	Futey, Joseph 5252 Cottage Drive Also: 3730 Ridge Road
74. B-201	Bernhard, Brandon 5262 Cottage Drive
75. B-201	Evans, Dan 5268 Cottage Drive
76. B-201	Ryther, James. 5208 Cottage Drive
77. B-201	Goodrick, Billie A. 5294 Cottage Drive
78. B-201	Paris, Robert M., Jr. 5304 Cottage Drive
79. B-201	Raimann, Brian 5310 Cottage Drive
80. B-201	Murry, Shirley 5326 Cottage Drive
81. B-201	Pitzer, Richard 5334 Cottage Drive
82. C-339	Fry, Daniel 5386 Lakeview Drive
83. C-339	Hayslett, James Also: 1807 Sheridan Avenue Warren Ohio

TRACT NO.

PERMITTEE NAME AND ADDRESS

84. C-339	Keeling, Wayne 5452 Lakeview Drive
85. C-339	Bartholomew, Dennis 5518 Lakeview Drive
86. C-316	Hoppe, Zenon 6155 State Route 46
87. C-316	Kassay, Edward 6171 State Route 46
88. C-316	Minor, John & Velma 6217 State Route 46
89. C-317	Kovac, David 6135 State Route 46
90. C-316	Yoman, Janet 6145 State Route 46 Also: 2533 Johnnycake Road Warren, Ohio
91. C-336	Montgomery, Thomas 5765 St Rt 46
92. B-203	Dayner, Brook
93.	Shipman, Linda 1377 Jewel Bay
94. C-343	Vavrinak, Ron 5535 St Rt 46
95. B-215	Foltz, Dennis 4963 St Rt 46
96. B-203	Jervis, James 5419 St Rt 46

EXHIBIT D

APPLICATION FOR OHIO DNR MOWING PERMIT

PERMIT NO. \_\_\_\_\_

OHIO DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF PARKS AND RECREATION

MOWING PERMIT

Permittee Name \_\_\_\_\_

Permittee Address \_\_\_\_\_  
Street

City \_\_\_\_\_ Zip \_\_\_\_\_ Telephone \_\_\_\_\_

The above named permittee has herewith been issued a mowing permit in accordance with paragraphs 7b and 7c of the Mosquito Creek Lake Lakeshore Management Plan.

It is understood that the above named permittee has been documented on the Army Corps of Engineers Pittsburgh District's Encroachment/Trespass Resolution Action Plan (ETRAP) as mowing prior to January 1, 1985 and is an adjacent (abutting) property owner.

This permit is subject to the following provisions:

1. All lands covered by this permit will remain open at all times for use by the public.
2. Any trespass items or activities must be removed or ceased and any encroachments of a temporary nature must be removed prior to the granting of this permit.
3. Repeated trespasses or failure to comply with requests to remove encroachments will result in the termination of the mowing permit.
4. All mowing must not exceed the extent mowed prior to January 1, 1985.
5. Tree cutting, tree trimming and clearing are prohibited on any portion of Government owned lands at Mosquito Creek Lake.
6. The annual fee for a mowing permit is non-refundable.
7. The permittee, his heirs, executors and administrators hereby voluntarily assumes all risks of accident or injury and releases and forever discharges the United States of America, State of Ohio, Ohio Department of Natural Resources, and its employees, officers and agents, from any and all liability for personal injury or property damage of any kind sustained on Government-owned lands at Mosquito Creek Lake while mowing, whether such personal or property damage is caused by the negligence of the United States of America, State of Ohio, Ohio Department of Natural Resources, or their respective employees, officers, or agents or otherwise.

The permittee further covenants and agrees to indemnify and hold harmless the United States of America, State of Ohio, and the Ohio Department of Natural Resources, their respective employees, officers and agents, from all loss and expense, including but not limited to, damages, legal expenses and cost of defense, in any manner arising from use of Government lands.

8. THIS PERMIT MAY BE RENEWED ANNUALLY DURING THE THIRTY DAY PERIOD BETWEEN APRIL 1 AND APRIL 30.

STATE OF OHIO

PERMITTEE

DIVISION OF PARKS AND RECREATION

BY \_\_\_\_\_

BY \_\_\_\_\_

EXHIBIT E

APPLICATION FOR OHIO DNR DOCK LICENSE

NO.

14519

AND RECREATION

DOCK

2014

4519

PERMIT  
DOCK

PARKS AND RECREATION

BOAT

2014

14519

PERMIT  
DOCK

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## Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

### Division of Parks & Recreation

#### MOSQUITO LAKE STATE PARK

1439 State Route 305  
Cortland, Ohio 44410  
(330) 637-2856 Telephone  
(330) 637-3006 Fax

February 1, 2014

Dear Private Dock Holder:

Enclosed you will find your Dock Contract for the 2014 boating season.

1. Please read your contract and make any corrections as needed. Please add your email address (if you have one) at the bottom of the contract.
2. Sign at the bottom under LICENSEE and return your contract with your check made payable to MOSQUITO LAKE STATE PARK.
3. If you would like the signed copy of your contract, your receipt and your boat/dock stickers mailed back to you, **YOU MUST SEND US A STAMPED, SELF-ADDRESSED ENVELOPE.** If not, we will hold the above at the Park office for you to pick up **PRIOR** to April 15<sup>th</sup>.

We encourage you to **RENEW BY MAIL**. Our office hours are Monday through Friday, 9:00 a.m. – 3:30 p.m. if you wish to pay in person. The office will be closed due to meetings and holidays – you might want to call ahead prior to stopping in.

The deadline for your contract renewal is **MARCH 31, 2014**. Your dock must be renewed annually in order to maintain dock privileges. If you have any questions, please feel free to contact us at (330) 637-2856.

I wish you a safe and enjoyable boating season.

Thank you –

A handwritten signature in blue ink that reads "Josie McKenna".

Josie McKenna  
Assistant Park Manager

**DOCK LICENSE**

**STATE OF OHIO  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF PARKS AND RECREATION**

FEES	
License:	\$ _____
Added Boats:	\$ _____
Delinquent:	\$ _____
Tie-ups:	\$ _____
<b>TOTAL FEES:</b>	<b>\$ _____</b>

Dock No.	Permit No.	Dock Tag No.
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LICENSEE NAME			
LICENSEE ADDRESS			
CITY	STATE	ZIP	PHONE

is herewith authorized the use of a  state dock;  private dock;  tie-up stake;  existing boathouse;  existing covered dock;  platform dock not for boat moorage, beginning \_\_\_\_\_, 19\_\_\_\_ and terminating \_\_\_\_\_, 19\_\_\_\_ over the waters of \_\_\_\_\_ lake for \_\_\_\_\_ boat at \_\_\_\_\_.

MAKE OF BOAT	TYPE	LENGTH
BOAT LICENSE NO.	MOTOR LICENSE NO.	

The licensee is subject to all laws and rules of the State of Ohio, the Division of Parks and Recreation and the provisions set forth in this license as follows:

1. The licensee hereby agrees to indemnify and save harmless the State of Ohio, Division of Parks and Recreation, its agents or employees, against any claim for injury or damage occasioned by fire, explosion, theft, acts of God or any other cause to the person or property of the said licensee and to persons or property present at the invitation, request, order, permission, or license of said licensee while the same are within the geographical limits of \_\_\_\_\_ State Park.
2. The licensee agrees to remove the above described boat or cause same to be removed from the waters of the aforesaid state park within 15 days after the expiration date of this license. Failure to do so shall constitute valid grounds for the State of Ohio, Division of Parks and Recreation, to remove said boat and to dispose of the same to satisfy any unpaid storage fees or charges levied in accordance with the provisions of the law and rules and regulations of the Division of Parks and Recreation.
3. The licensee agrees to berth the above described boat with continuity in the space assigned by this license for personal use only and to not sublease or transfer occupancy or use of said space to any other person or boat.
4. The State of Ohio, Division of Parks and Recreation, reserves the right to lower state lakes at anytime for subsurface maintenance or capital improvement projects and to order removal of boats from licensed docks for such purposes.
5. The State of Ohio, Division of Parks and Recreation, shall have the right to terminate this license without cause assigned by giving in writing to the licensee 24 hours notice prior to such termination. In such event the licensee shall be entitled to a prorata refund of rental paid; provided, further, that no refund shall be made if termination of this license is due to the licensee's violation of any laws or rules or provisions set forth on the reverse side of this license or failure to comply with any condition stipulated herein.
6. Ownership of any watercraft docked under the license granted by this application will be assumed and accepted by the undersigned applicant as the owner.
7.  This license may be renewed annually during the 30-day period between March 1 and March 31; otherwise the option to renew is cancelled without further notice.  
 This license is not renewable and will terminate without further notice on date indicated above. Dock licenses will be granted annually on the basis of a lottery of all qualified applicants.

STATE OF OHIO  
DIVISION OF PARKS AND RECREATION

BY \_\_\_\_\_  
Signature Date

LICENSEE

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Signature Date

## STIPULATIONS

No garbage, cans, bottles, wire, oil, paper, sewage or waste material of any kind shall be thrown, deposited or permitted to fall into the water or upon the docks, piers, walkways or shore area of the dock site, nor shall the docks, piers, walkways or shore area be used by the licensee as a storage place for any gear or equipment.

Every boat in a dock space or tie-up space shall be fastened properly and securely and in such a manner as to avoid fouling or collision with any adjacent watercraft.

Signs, placards or commercial displays are prohibited on any dock, pier, walkway or shore area.

Watercraft containing a sink, toilet or sanitary system shall not be used, operated or docked on any state lake unless such sink, toilet or sanitary system is removed or sealed or made to drain into a tank or reservoir which can be pumped or carried ashore for disposal.

All boats entering, leaving or passing a docking area or marina shall be operated at such speeds as preclude a wake or waves causing discomfort, injury or damage to persons, watercraft or property.

Boats moored at any licensed dock or licensed tie-up space shall not be used for the purpose of sleeping thereon overnight except for those at designated areas.

Violation of any watercraft laws of the State of Ohio or rules of the Division of Parks and Recreation by an occupant, owner or operator of a boat licensed to dock on any state park lake may be cause for immediate termination of said license applying to such boat by the aforesaid division.

Only those dock tags for the current year may be displayed and *must* be displayed on each and every dock used by a licensee.

Licensee is responsible for condition and maintenance of each privately constructed dock in use. Docks requiring replacement shall be reconstructed according to state specifications available at park office.

Licensee of state dock is responsible for neat appearance of dock and immediate area of the licensed dock. Maintenance and repair of dock will be made by the state as required.

Swimming from docks is prohibited except those areas specified in Division Rules.

EXHIBIT F

SAMPLE DOCK LICENSE TAG

