

OHIO LAKE ERIE COMMISSION MEETING
Ohio Department of Natural Resources ~ Assembly Center East,
2045 Morse Road, Columbus, OH 43229

March 15, 2007

The Ohio Lake Erie Commission (OLEC) meeting was called to order by the Commission Chairman, Sean D. Logan, Director; Ohio Department of Natural Resources, at 10:24 a.m.

Roll Call:

Sean D. Logan, Commission Chairman and Director; Ohio Dept. of Natural Resources (ODNR)
Tim Hill, Director's Designee and Commission Secretary; Ohio Dept. of Transportation (ODOT)
Chris Korleski, Director; Ohio Environmental Protection Agency (OEPA)
Robert Boggs, Director; Ohio Department of Agriculture (ODA)
Gene Phillips, Director's Designee; Ohio Department of Health (ODH)
Brad Biggs, Director's Designee; Ohio Department of Development (ODOD)

Guests:

Matt Adkins, ODNR – DSWC
Edith Chase, Ohio Coastal Resource Management Project
Gary L. Comer, OSU – Ohio Sea Grant College Program
Pamela Davis, Northeast Ohio Areawide Coordinating Agency (NOACA)
Bill Goodman, Ohio Department of Agriculture
Edwin J. Hammett, Ohio Lake Erie Commission Office
Ed Hauser, Citizen
Gail Hesse, OEPA
Brandi Koehler, OEPA
Julie Letterhos, OEPA
Dr. Jeffrey M. Reutter, Ohio Sea Grant College Program
Chris Riddle, Ohio Lake Erie Commission Office
Tom Sewell, USDA – Natural Resources Conservation Service
Jill Woodyard, Ohio Lake Erie Commission Office

COMMISSION BUSINESS

Chairman's Report

Minutes

Motion was made by OEPA and seconded by ODOD to accept the December 20, 2006 meeting minutes as presented with no changes. The Commission voted all in favor and the motion carried.

Executive Committee Report

Scott Zody, Executive Committee Chairman; ODNR, presented an overview on the Biennium Budget Request for SFY 2008-2009 on the two funds administered by the Commission.

The first fund is the Lake Erie Resources Fund established under O.R.C.1506.24 for the operations of the commission and its office. Three sources of revenue support the fund: (1) Ohio's annual state share from the Great Lakes Protection Fund established in 1990 with contributions from each member Great Lakes state totaling \$81.0 million (Ohio's member contribution was \$14.0 million.) A state share represents a one-third contribution back to each member state and two-thirds used to support Great Lakes grant projects. It is anticipated that Ohio's share for FY 2007 will be approximately \$430,000; (2) ODNR's Coastal Management program has provided grants to support the Balanced Growth Program; and (3) Member agency contributions for \$10,000 were received from ODNR, OEPA and ODH to help support the Commission and provide assurance that there would be sufficient funding to maintain the current staff of four positions. The Commission has trimmed expenditures and has operated frugally in the last three years as revenues have fluctuated. Actual expenditures have been only 58 to 60% of the authorized spending. Therefore,

the biennium request for SFY 2008 and 2009 is \$375,000 each year which is a 23.5% reduction from the previous biennium.

The second fund is the Lake Erie Protection Fund (LEPF) established under O.R.C.1506.23 in which grants are awarded for environmental projects that help support Lake Erie and its watershed. The main source of funding is from sales of the Lake Erie License Plates, both the Marblehead Lighthouse and the Toledo Harbor (which recently was cancelled due to less than 1,000 plates being sold.) Other sources of funding include donations from the Lake Erie Credit Card, miscellaneous donations and an annual amount of \$200,000 from an Ohio Water Development Authority grant that supports the three Balanced Growth Pilot Projects and essentially is a pass-through to the watershed organizations. The biennium request for SFY 2008 and 2009 is \$450,000 each year which reflects a 49% reduction compared to the previous appropriation.

Mr. Zody reported on sales of the Lake Erie License Plate Program in which \$8.4 million has been raised for the LEPF since its inception in 1993. The Lake Erie License Plate was the first environmental plate in Ohio and is still the second highest selling specialty plate, although there has been a decline in sales due to increased competition from other specialty plates. Due to the decline, the grants program has been restructured eliminating a large grants cycle while focusing on a quarterly small grants program in the maximum amount of \$10,000 per project. Marketing efforts have included distribution of flyers, posters to deputy registrars, mailing renewal inserts through BMV, and promotion with traveling displays along the shoreline. These efforts will continue throughout the year to help maintain the customer base and stem further decreasing sales.

Comment: The Commission Chairman stated that the petitioners for the Toledo Harbor Lighthouse plate should be informed of the plate cancellation.

Mr. Zody further reported on the Commission's involvement in the Turnaround Ohio Initiatives within the SFY 2008 – 2009 biennium budget narrative. The initiatives included: (1) providing incentives to invest in locally designated areas for development or conservation. These incentives strengthen implementation of the Balanced Growth recommendations; (2) providing Ohio communities with Balanced Growth tools; and (3) integrating sustainable development practices into state development policies and development funding decisions through the Balanced Growth Strategy.

On behalf of the Executive Committee, the committee chairman submitted their request that member agency, OEPA, be retained as the administrative agency for the commission. ODA made motion to designate OEPA as the administrating agency and it was seconded by ODOT. The Commission voted all in favor and the motion carried.

Grants Committee Report

Small Grants Program

Bill Goodman, Grants Committee Chairman; ODA, presented an overview of the funding priorities of the Lake Erie Protection Fund (LEPF) and a review of the current FY 2007 budget. The majority of revenue is generated from the sales of Lake Erie License Plates. Each plate sale includes a \$15.00 donation to the LEPF which is used to award grant projects. In FY 2007, the LEPF grants include projects that address *Ohio's Lake Erie Action List* in conjunction with the Great Lakes Regional Collaboration as well as the 84 strategic actions in the *Lake Erie Protection & Restoration Plan* (LEPR.) Applicants are advised to work closely with state or other governmental agencies responsible for implementing the strategic actions to assure their project directly implements the LEPR. For FY 2007, \$200,000 was budgeted for small grant projects and \$100,000 for Balanced Growth projects. If the following third quarter recommendations are approved, a balance of \$67,118 will remain available for small grants and \$80,026 for Balanced Growth projects in fourth quarter FY 2007.

Mr. Goodman presented the Grants Committee recommendations for third quarter FY 2007 in the total amount of \$38,674.80. Motion was made by ODA and seconded by ODOT to accept the committee's recommendations. The Commission voted all in favor and the motion carried to approve the following four small grant projects:

- Lake County General Health District for project entitled, "*Drip Distribution Installation Demonstration*", Laura Kramer-Kuns, R.S., Project Director - \$8,700;
- Cuyahoga River Community Planning Organization for project entitled, "*Land Use Ordinance Inventory for the Cuyahoga River AOC*", Jim White, Project Director - \$9,974.80;
- U.S. Geological Survey for project entitled, "*Refining and continuing a system of nowcasting beach advisories*", Donna Francy, Project Director - \$10,000; and
- Bowling Green State University for project entitled, "*Molecular diagnostic tool for the potential bioremediation of Lake Erie sediments*", Juan Bouzat, Project Director - \$10,000.

The Grants Committee Chairman further reported on the small grant process and timeline in which applications are submitted quarterly with established deadlines to allow the Grants Committee to review the proposals and forward them to the Executive Committee to then be brought before the Commission. These deadlines allow a six-week review period prior to each quarterly commission meeting. The next deadlines are April 25, July 25 and October 25, 2007.

Mr. Goodman presented both the Grants Committee and Executive Committee recommendations for SFY 2008 grant funding levels which would begin July 1, 2007 through June 30, 2008. The following funding levels are part of the Biennium Budget Bill and will require approval by the General Assembly: (1) \$200,000 for Small Grants Program; (2) \$50,000 for Balanced Growth Projects; and (3) OWDA \$200,000 grant monies for Pilot Projects - for a total amount of \$450,000. Motion was made by OEPA and seconded by ODA. The Commission voted all in favor and the motion carried with the caveat that final approval depends upon appropriation by the General Assembly.

Ohio Lake Erie Commission (OLEC) Office Report

Overview of Commission Activities

Ed Hammett, Executive Director of the OLEC Office, reported that the agency was established in 1990 for the purpose of protecting Lake Erie's natural resources, restoring degraded elements of the Lake Erie ecosystem and to promote economic development. The role of the OLEC is to ensure coordination of policies and programs of State government pertaining to water quality, toxins and coastal resource management. Four areas of activity guide the Lake Erie Commission in these pursuits: (1) Lake Erie Protection & Restoration; (2) Lake Erie Protection Fund; (3) Public Outreach; and the (4) Lake Erie Balanced Growth Program.

(1) Lake Erie Protection & Restoration

In 1998 (and later in 2004), OLEC released the *State of the Lake ~ Lake Erie Quality Index Reports* (LEQI) on the condition of Lake Erie in relation to the quality of life of those living near or using the Lake. The LEQI reported on improvements over the previous 25 years and provided measurements to determine Lake Erie's water quality. A result of the LEQI was development of the *Lake Erie Protection & Restoration Plan* (LEPR) in 2000 which is a blueprint providing 84 strategic actions to improve the environmental, recreational, and economic resources in the Lake Erie watershed. Three LEPR Progress Reports have followed that provide an assessment of the implementation of these strategic actions. Ohio has become a leader in planning for Great Lakes protection as a result of these various reports. Further, OLEC prepared and adopted *Ohio's Lake Erie Action List* which highlights the state's activities to implement the *Great Lakes Regional Collaboration* for a two-year period. The Commission will need to combine the LEPR and the *Great Lakes Regional Collaboration*.

(2) Lake Erie Protection Fund (LEPF)

The purpose of the LEPF is to award monies for research and implementation grant projects that help to protect and restore Ohio's portion of Lake Erie and its watershed. Grants are awarded on a competitive basis to non-profit organizations. These grants have supported projects to implement portions of the LEPR and *Ohio's Lake Erie Action List*.

(3) Public Outreach

Public Outreach has been an important role of the Commission in advancing Lake Erie protection. Besides quarterly OLEC meetings, two programs being highlighted are:

- Coastweeks 2007 kicks off September 5 and runs through September 22. This two-week program emphasizes public awareness of the value and fragility of Lake Erie, to encourage Ohioans to learn more about their Great Lake, and bring them out to the shoreline to learn what they can do to protect their Great Lake. Coastweeks focuses on cleanup events. The 2007 program will include International Coastal Cleanup Day on September 15 and the annual Put-In-Bay underwater cleanup on September 17.
- 2007 "Life on Lake Erie" Photo Contest
The OLEC office is accepting entries for the 2007 contest. Deadline is July 19, 2007. The contest is open to photos taken in the Lake Erie watershed between August 4, 2006 and July 9, 2007. Brochures are available online at the OLEC web site or by calling the OLEC office. The winning images will be announced at the Commission's September 5 annual meeting. You can visit previous winning images at the OLEC web site or visit the Lake Erie Commission Photo Gallery which is currently touring Lake Erie at the Sandusky/Erie County Visitors' Bureau and will be hosted next by the Lorain County Visitors Bureau through May.

(4) Lake Erie Balanced Growth Program

A major activity of the OLEC for the past five years has been the development and implementation of the Balanced Growth Program which is a strategy to protect and restore Lake Erie and its watershed in a manner that will assure long-term growth equally benefits economic competitiveness, ecological health, and quality of life. The program was developed to address land use changes that significantly impact Lake Erie. Balanced Growth is voluntary, locally driven, based on a watershed approach, designates priority areas for conservation and development, and focuses on location of land uses. Two documents containing recommendations were created by the Balanced Growth Blue Ribbon Task Force entitled, "*Linking Land Use and Lake Erie: A Planning Framework for Achieving Balanced Growth in the Ohio Lake Erie Watershed*" and "*Best Local Land Use Practices*." These recommendations are currently being implemented by four watershed pilot projects: (1) Upper West Branch of the Rocky River; (2) Chagrin River; (3) Swan Creek; and (4) Chippewa Creek.

The Task Force also recommended State Incentives be identified for programs and policies that state agencies can use to assist and encourage local governments in implementing their Balanced Growth Watershed Plans.

The *Best Local Land Use Practices* document provides model ordinances for coastal protection (still being developed), surface water management, and meadow protection. These models and 11 guidance documents will assist local governments in determining locations for development.

Public Outreach and Education is key to integrate Balanced Growth into local government and watershed planning. Activities to date include general awareness sessions, technical training workshops in January and March with the assistance of CSU to do the training. Fact sheets, web resources and technical assistance for communities are being developed.

The Task Force also recommended monitoring the progress toward achieving Balanced Growth in the Lake Erie basin. Three Tracking Indicator categories were developed that address programmatic accomplishments, land use changes, and water quality improvement. These

indicators will allow a baseline to be established to measure changes as Balanced Growth is implemented.

(5) A Work Program has been prepared for 2007/2008 activities which will focus on all the above reports including the Balanced Growth Program (Land Use Practices, Pilot Projects, Incentives, State Agency Work Group, Best Local Land Use Practices Training, and Indicators); 2009 Lake Erie Quality Index (next State of the Lake Report); Update the Lake Erie Plan/*Ohio's Lake Erie Action List*; Public Outreach, and LEPF Grants Program.

(6) The next quarterly meeting of the OLEC will be held June 5, 2007. Traditionally, the June meeting and the September annual meeting are both held along the Lake Erie shoreline. These locations are still being determined and will be announced at the Commission web site.

Agency Reports

Tim Hill, ODOT, provided an update on agency projects in close proximity to Lake Erie in the Village of Sheffield, Black River area in Lorain, and Vermilion, OH. It was also reported that Ohio's largest public works project, the *Veterans' Glass City Skyway*, the new I-280 bridge in Toledo, will be completed and opened in June and could be a possible location for the quarterly commission meeting in June.

Director Logan, ODNR, reported on the Great Lakes Compact legislation which has been introduced and passed the Ohio House last year. It is now assigned to a committee in the Ohio Senate. Ballast water legislation was a lead topic at Great Lakes Day. About every nine months, a new invasive species is found. It was announced that the *Ohio Coastal Atlas* is in its second printing. It is a tremendous document and the agency is proud of the work and everyone's contribution. Printing was made possible by a grant from NOAA.

Director Boggs, ODA, reported on the recent *State of the State Address* regarding bio-fuels, coal and gas; ODA will be working with OEPA and ODNR on these environmental impacts. The agency is awaiting word from USEPA on NPDES permits on livestock; and, USDA is working on the VHS fish virus issue to quarantine where the invasion is located. It was further reported that dredging of the Ashtabula River will continue when the weather breaks.

Director Korleski, OEPA, reported that the Phosphorus Task Force meeting will take place March 27 with the members looking at data and current information regarding dissolved phosphorus, algal blooms, etc.

Gene Phillips, ODH, reported that new sewage rules went into effect January 1, 2007. Training programs for installers for local health department staff is taking place regarding these new rules. The agency is also gearing up for its beach monitoring program.

Brad Biggs, ODOD, reported that ODOD is focusing on developing new energy projects for the State, focusing on energy efficiency, and greater use of wind energy.

Advisory Committee Reports

Edith Chase, OCRMP, announced that the Ohio Coastal Resource Management Project was founded 25 years ago and distributed its current newsletter to the members. She stated appreciation to the Commission for their attention to Lake Erie issues and distributed news clips on safety guidelines for produce, controlling pathogens on produce, and mercury pollution.

Gary L. Comer, OSU – Ohio Sea Grant College Program, Coordinator for Ohio's Clean Marinas Program, reported that the program started in 2004 and has held 12 workshops and is currently working on the new Boat Shrink Wrap Recycle Program which is the process/materials used for

winter storage for boats. Director Logan stated the Clean Marinas Program is a good example of local decision-makers working with federal and state resources.

Tom Sewell, USDA-NRCS, represented Steve Davis, and introduced himself as the Acting Assistant State Conservationist in northeast Ohio. Mr. Sewell reported that the agency has targeted additional monies totaling over \$2.0 million for their water quality program. The purpose is to provide incentives for filter strips, riparian corridors and best management practices for water quality issues and farms.

Pamela Davis, NOACA, reported that the agency has supported the Black River and Cuyahoga River Areas of Concern in five county planning areas, working with local health departments. NOACA also performs 208 consistency reviews to make sure there is consistency with OEPA rules. The agency is focusing on Phase II storm water management and having discussions on air quality issues. NOACA offered to host the September 5 annual meeting of the OLEC. The Commission Chairman stated he appreciates NOACA's partnership and its consistency review.

PUBLIC COMMENT PERIOD

Matt Adkins, ODNR, reported on the Great Lakes Commission Sediment and Erosion Grant Cycle. Ohio has submitted 19 applications. The USACE Western Lake Erie Basin Program has received \$5.0 million from The Joyce Foundation. Copies of the second printing of the *Ohio Coastal Atlas* was provided to the commission members.

Ed Hauser, citizen, welcomed the new directors to the Lake Erie Commission and reported that NOAA is taking public comments on the update of the Shoreline Bill, the public trust to the waters edge or low water mark. He stated that this is an important document to protect for Lake Erie. He further reported that he has been coming to OLEC for four to five years giving updates on Whiskey Island. He is pleased to report that the marina is staying and the area will not be filled in as a gravel dock. Also, he commented on the Cleveland Innerbelt Project over the Cuyahoga Valley and stated ODOT needs to get a proper engineering study to consider all possibilities. Mr. Hauser also provided a copy of his DVD "Citizen Hauser" for the commission's viewing.

ADJOURNMENT

Motion was made to adjourn, all in favor the motion carried and the meeting was adjourned at 12:15 p.m.

Respectfully submitted,

*Ohio Lake Erie Commission Office
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