

OHIO LAKE ERIE COMMISSION MEETING
Ohio Department of Transportation, Columbus, OH
December 12, 2007

The Ohio Lake Erie Commission (OLEC) meeting was called to order by the Commission Chairman, Sean Logan, Director; Ohio Department of Natural Resources, at 10:05 a.m.

Roll Call:

Sean Logan, Commission Chairman and Director; Ohio Dept. of Natural Resources (ODNR)
Tim Hill, Director's Designee; Ohio Dept. of Transportation (ODOT)
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:

Edith Chase, Ohio Coastal Resource Management Project
Dorothy Cibula, League of Women Voters
Steve Davis, USDA – Natural Resources Conservation Service
Vicki Deisner, Executive Committee Chairperson; ODNR
Keith Dimoff, Ohio Environmental Council
Scott Fletcher, ODNR – Div. of Parks and Recreation
Bill Goodman, Grants Committee Chairman; Ohio Department of Agriculture
Gloria Green, League of Women Voters - LEBC
Edwin J. Hammett, Ohio Lake Erie Commission Office
Steve Holland, ODNR-Office of Coastal Management
Amy Klei, OEPA
Julie Letterhos, OEPA
David Nessler, Citizen
Dr. Jeffrey M. Reutter, Ohio Sea Grant College Program
Chris Riddle, Ohio Lake Erie Commission Office
Mike Sponsler, BHE Environmental
Jack Van Kley, Van Kley & Walker
Jill Woodyard, Ohio Lake Erie Commission Office

BUSINESS MEETING

Chairman's Report

The chairman provided his report during the agency reports section of the meeting.

Minutes

Motion was made to accept the September 5, 2007 meeting minutes, as presented, with no changes. The Commission members voted all in favor and the motion carried to approve the September minutes.

2008 OLEC Meetings

A list of recommended quarterly meeting dates was presented for calendar year 2008: March 19; June 5; September 10; and December 17. Motion was made to accept the dates by ODA and seconded by ODOT. The Commission voted all in favor and the motion carried. *(Note: since the printing of these Minutes, the September meeting has been re-scheduled to September 12, 2008.)* Location of the meetings will be determined at a later date. Director Boggs, ODA, offered to host one of the upcoming quarterly meetings followed by a tour of the agency's new fish testing laboratory.

Executive Committee Report

Vicki Deisner, Executive Committee Chair; ODNR, presented the committee's recommendation for designation of the 2008 commission chairman and commission secretary in accordance with ORC 1506.21 requiring the members to elect a chairman and secretary annually. The Executive Committee recommended that the Commission continue with the same individuals that currently serve: Sean Logan, Director of ODNR as Chairman; and James Beasley, Director of ODOT as Secretary. Motion was made by ODA and seconded by ODH to accept the Executive Committee's recommendation. All members were in favor and the motion carried.

On behalf of the Executive Committee, the chair presented the 2007 Lake Erie Balanced Growth Strategy for approval by the Commission members. The document is an update to the original Strategy first adopted by the Commission on June 7, 2006. Most of the document remains the same except for the updated Inventory of State Programs, added Special Incentives for use by local governments with Balanced Growth Plans, and updated actions to improve consistency and predictability of state support for balanced growth activities. The Strategy describes how state programs, policies and incentives will be aligned with local efforts to focus development efforts in suitable Priority Development Areas (PDAs) and promote successful conservation efforts in suitable Priority Conservation Areas (PCAs.) The document identifies four areas where the State can support voluntary Watershed Balanced Growth Plans and a fifth area where more study and development is needed: (1) Update of an Inventory of State Programs that support development or conservation; (2) State Assistance Work Group (SAWG) to improve implementation of Balanced Growth Plans by providing structure for state agency and local government cooperation; (3) State programs to improve predictability and/or consistency of state actions with the Watershed Balanced Growth Plans; (4) Special state program incentives for financial or technical assistance in Balanced Growth watersheds; and (5) Develop additional state support for Balanced Growth Watershed Plans. The document does not address all the needs that have been identified by the Watershed Planning Partnerships (WWPs) necessary to assist local governments to implement their plans. Therefore, specific action items are being examined to assist and these include: Strengthening Regional WWPs; Wetland Mitigation Banking; Transfer of Development Rights; and Local Government Revenue Sharing. If these action items are useful to support local governments in implementing their plans, they will be reported back to the Commission. Motion was made by ODH and seconded by ODA to approve the 2007 Strategy document. All members voted in favor and the motion carried.

Discussion: The Commission Chairman acknowledged the work on this document by the state agencies and local partners in that it embraces local and voluntary efforts. Vicki Deisner stated the Strategy is an evolving document and that the OWRC is talking about adopting some of the successful efforts in the Lake Erie basin and moving them statewide.

Grants Committee Report

Lake Erie Protection Fund (LEPF) - Small Grants Program

Bill Goodman, ODA, reported on the monies generated for the LEPF from sales of the Lake Erie License Plate Program with each plate representing a \$15.00 donation to the Fund. These donations are used to award the grant projects. Mr. Goodman further presented the Grants Committee recommendations for funding Small Grant projects submitted Second Quarter FY 2008 in the total amount \$44,806.22. Motion was made by ODA and seconded by ODH to accept the recommendations. The Commission voted all in favor and the motion carried to approve the following three grant projects:

- Heidelberg College for project entitled, "*Microcystin Toxicity to Mayfly Spp Larvae*", Dr. Gary Winston, Project Director - \$15,000;
- OSU Center for Farmland Policy Innovation for project entitled, "*Cross-Jurisdictional Growth & Resource Protection*", Jill Clark, Project Director - \$14,906.22. This project will be closely tied to the Lake Erie Balanced Growth Program; and
- Toledo Harbor Lighthouse Preservation Society for project entitled, "*Phase 1: Toledo Harbor Lighthouse Plans & Specs*", Sandy Bihn, Project Director - \$14,900.

The Grants Committee Chair also presented the 2008 Small Grants Cycle Timeline for quarterly grant applications deadlines: January 31; April 23; July 31 and October 30. These dates allow a six-week review period for Grants Committee members before forwarding on to the Commission through their Executive Committee.

Discussion - License Plate: Director Boggs, ODA, asked if it would be possible to increase the \$15.00 donation to the LEPF and offered ODA's Marketing Program to evaluate a re-branding of the license plate program.

Action: The Commission Chairman recommended that these suggestions be discussed with the Executive Committee members and brought back to the Commission with future ideas.

Discussion - LEPF: The Chairman stated the Commission will be reviewing the small grants program. The quarterly application deadlines were discussed and a hold was placed on the other three dates beyond January until after further review and discussion of the program.

Action: It was directed that the January 31, 2008 proposal due date be posted at the commission web site with a hold on the remaining application dates until further discussion of the grants program.

Ohio Lake Erie Commission ~ Office Report

Lake Erie Balanced Growth Program – Implementation Update

Ed Hammett, Executive Director; OLEC Office, provided an update on the four pilot projects developing Watershed Balanced Growth Plans (Chagrin, Rocky River, Swan Creek and Chippewa.) The pilots are in their third project year and have been meeting with their local communities, gaining local government approval of their watershed plans, and starting implementation of these plans.

Best Local Land Use Practices (BLLUP)

BLLUP is in its second year of programs with Cleveland State University providing training on the use of model regulations and the guidance recommendations adopted by OLEC. Technical sessions on the practices were conducted this past fall with more being scheduled spring 2008; one in northeast Ohio and the other in northwest. A special session is tentatively being planned for engineers for April or May 2008. Presentations and working one-on-one with the watershed communities will be the third focus of training activities in 2008. In addition to the training sessions, an educational DVD is being developed this year focusing on *Best Local Land Use Practices* in the Lake Erie watershed. The DVD will be used by local governments to tell the "big picture" of land use issues, will provide a summary of BLLUP and technical information more specific to the model regulations and guidance documents.

State Assistance Work Group (SAWG)

Mr. Hammett stated that SAWG has been meeting regularly and responsible for the Strategy document presented today. SAWG has recently met with the members of the watershed pilot projects for purposes of hearing their suggestions for incentives to assist the watersheds. In addition, a couple additional representatives outside the Lake Erie watershed also met with SAWG for consideration of their watersheds such as Big Darby Creek.

Other Projects & Programs

Mr. Hammett reported that OLEC is at a point to make some work decisions on future projects and reports. Traditionally, the LEQI (State of the Lake Report – Lake Erie Quality Index) would be due for an update in 2009. The document is a status report to Ohioans on the quality and conditions of Lake Erie. A delay in developing this next report is being looked at due to cost and whether or not five years is sufficient time to report major trend changes.

As a result of the LEQI, the Lake Erie Protection & Restoration Plan (LEPR) was prepared in year 2000 as a blueprint to improve environmental, recreational, and economic resources in the Lake Erie watershed. The LEPR consists of 84 strategic actions to improve the areas of water quality, pollution sources, habitat, biological, coastal recreation, boating, fishing, beaches, tourism and shipping while providing the priorities for grant projects funded through the Lake Erie Protection Fund. The plan is becoming dated, new issues have emerged and the report requires updating.

In 2006, OLEC prepared and adopted Ohio's Lake Erie Action List which highlighted Ohio's activities the state was taking in 2006 and 2007 to implement the *Great Lakes Regional Collaboration* (GLRC) which addresses environmental issues and recommendations on what needs to be done for the restoration of the Great Lakes. The GLRC was created with input from 1500 participants in the region and their recommendations were adopted by the members of the Great Lakes Governors Association. Ohio's Action List demonstrated Ohio's leadership in moving forward with Lake Erie restoration and was the only state to develop such a plan. The GLRC did not address all environmental issues such as economic and recreational areas. Ohio's Lake Erie Action List is in need of updating and needs to include the economic and recreational issues. The OLEC will need to look at all the reports and determine how to proceed with updates.

Action: Ed Hammett will prepare a briefing for the commission directors with related information on these documents for future discussion on how to proceed with the reports.

Public Outreach Programs

Coastweeks 2007

This year's program took place September 5 through the 22nd with 1,110 volunteers cleaning over 32 miles of Lake Erie shoreline and removing 25,775 pounds of debris. The focus of this year's program was cleanups with 10 events taking place along the shoreline including the largest one-day volunteer effort in Ohio and around the world, International Coastal Clean Day on September 15th. Coastweeks emphasizes public awareness of the value and fragility of Lake Erie with a strong focus on cleanups that encourages Ohioans to learn more about their Great Lake and bring them out of the shoreline during this two-week period. Plans for Coastweeks 2008 are getting underway and will announce future dates at the next meeting.

Lake Erie Commission Photo Gallery

The 2007 "Life on Lake Erie" photo contest winners were announced at the last OLEC meeting and now our Ohioans can enjoy these winning images as they tour the shoreline at various points-of-interest as a traveling photo gallery. The gallery is currently being hosted by the Cleveland Metroparks' Leonard Krieger Canalway Center in Cuyahoga Heights. The gallery has been invited to be featured at the Cleveland Boat Show in January and following that will continue touring the shoreline. Ohioans can also visit the winning images at the OLEC web site.

The next OLEC meeting will take place on March 19, 2008 with location to be announced in the Lake Erie Basin. The Commission Chairman suggested holding a meeting at the new Visitors Center of the Ottawa National Wildlife Refuge

Western Lake Erie Basin Study (WLEB)

Ed Hammett further reported that the commission office is providing staff support for the WLEB study by partnering to work on public information and outreach assistance concerning water quality in the Western Lake Erie Basin project area. Among the areas the commission office is assisting with is developing the WLEB web site, preparation of newsletters and reports.

Invited Report

Report on Harmful Algal Blooms (HABs) in Lake Erie

Dr. Jeffrey M. Reutter, Director; Ohio Sea Grant Program, presented an update on harmful algal blooms in Lake Erie. Lake Erie is the warmest, shallowest and, biologically, the most productive of the Great Lakes with a huge fishery. Warm waters favor HABs and being too productive is why we have a dead zone. Three key issues relate to HABs: (1) concentrated nutrients such as fertilizer, sewage and phosphorus; (2) a dead zone (no oxygen) created by the decomposition of algae; and (3) sedimentation and dredging. Blue-green algae called *Microcystis* has reappeared in recent years. We are likely to see more of this form of algae in Lake Erie where there is really warm water and concentrated nutrients. More sediment causes reduced water clarity which reduces light and gives *Microcystis* algae a competitive advantage. When aquatic nuisance species such as zebra mussels take in nutrients they create high levels of ammonia and this also gives *Microcystis* an advantage.

While this blue-green algae floats up near the lake's surface, it dies and sinks to the bottom which also contributes to the dead zone issue. The target and goal is the elimination of HABs and a reduction in the dead zone which is very important to human health and our drinking water. We need to eliminate phosphorus loadings, eliminate combined sewer overflows, we need to end open lake disposal, and initiate upland and confined lake disposal if we are to rid the waters of HABs. Global warming and climate changes also contribute and make the problems worse. Warm water increases oxygen depletion, lower water levels make it easier to resuspend and transport bottom sediments, and storms resuspend even more sediment.

Agency Reports

Tim Hill, Director's Designee; ODOT, provided an update on future Lake Erie signage to be placed on major routes identifying the Lake Erie watershed as you enter. It is projected that that the signs will go up sometime this spring and that ODOT will work with OWRC and OLEC to pick out the right locations.

Gene Phillips, ODH, stated that the final report on the Beach Monitoring Program is available and posted at the agency's Beach Monitoring web site. The agency has recently participated in the first sewer treatment study and will continue to participate as they occur. The next one is scheduled for January.

Director Logan, ODNR, reported that the Ohio Wind Working Group recently met and Vicki Deisner presented a draft for wind energy developers to consider entering into with emphasis on bird and bat mortality. It was further reported that the agency is working with OEPA and the USACE on the issue of open lake dumping and looking at alternative uses for dredged materials. John Watkins, ODNR – Office of Coastal Management (OCM), reported on their grants program working with the member agencies such as OLEC on Balanced Growth and the Wind Group. Ohio also has a grants program for coastal estuarine conservation which is available annually. The Director further reported on the internal restructuring of Geological Survey and that the functions of that division still exist, but will function in a different capacity.

Director Boggs, ODA, reported that the EAB (Emerald Ash Borer) continues to devastate Ohio's ash trees. He is disappointed that other Great Lakes states have not tackled the VHS virus to the extent that Ohio has and that Ohio is the only one really addressing the problem. It was further reported that the Governor's Energy Bill is the important bill in our agenda with the need for more renewable fuels and more acres of production. Over 540 million bushels of corn were produced this year and will see more next year.

Brad Biggs, ODOD, reported on the agency having strategy groups meeting around the state that are looking at incentives along the lines of balanced growth and are also looking to reduce sprawl and encourage urban redevelopment. Sites are being looked at for new development in Ohio with two new biodiesel operations to start up 2008.

Advisory Committee Reports

Edith Chase, OCRMP, reported on the good news of the Great Lakes Water Compact Bill moving from the Ohio House. A handout was provided to OLEC which focused on the affects of climate change in the Great Lakes. Declining lake levels will affect dredging, harbors, and swimming. Farmers will find dryer summers favor pests and diseases. It was further stated that we need to begin reducing emissions of greenhouse gases. Clean air and clean water enhance the quality of life.

Dr. Jeffrey M. Reutter, Ohio Sea Grant, provided a listing of recent projects supported by Ohio Sea Grant which will begin February 1, 2008 and includes collaboration and co-funding with OLEC (see *attached*.) It was further reported that this past year 230 students attended Stone Laboratory's college curriculum.

Steve Davis, NRCS, thanked the commission staff for the outreach that is being provided for the WLEB Study. And, as soon as the new web site goes live, the newsletter will be released with this

announcement (www.wleb.org) The newsletter will be published three-to-four times a year which will be a tool to bring people to the web site. NRCS has contracted with the Storm Center, a private company, that will be providing environmental awareness to local television stations and will provide information on nightly broadcasts with their weather forecasts. The stations will feature environmental news and include the OLEC organizations covering topics such as algae, EAB, etc. The television stations will help raise awareness in the market and will be launched in March 2008.

PUBLIC COMMENT PERIOD

Dorothy Cibula, League of Women Voters (LWV) – Lake Erie Basin Committee, provided comments on large animal feeding operations in northwest Ohio creating odor and noise problems for residents. Comments and concerns were provided on protecting Ohio's water quality and the need for a moratorium on new and expanding Concentrated Animal Feeding Operations (CAFOs) that produce untreated animal waste that can contaminate area ditches and streams. Gloria Green, League of Women Voters (LWV) – Lake Erie Basin Committee, also provided comments on large factory farms in Michigan that drain into Lake Erie. Ms. Green stated she is not opposed to factory farms, just the untreated waste they produce. She further stated that we should be good stewards of our water supply. Ms. Green thanked OLEC for what has been done and (in the future) for what is going to be done. The Commission Chairman stated he shares Ms. Green's passion and that state government has the responsibility for long-term health, not just for natural resources, but for the economy in that it all comes back to land use. Director Boggs, ODA, extended an invitation to the LWV representatives to visit a permitted facility to see how the state protects against runoff. It was further stated the big farms under permit tht follow Ohio's rules and regulations do not create the runoff problem, but the smaller farms under the permit level do.

Jack Van Kley, Van Kley & Walker, introduced himself on behalf of his company that designs farms for dairy families. He provided comments on large factory farms stating that Ohio has the most stringent regulations on runoff and that Ohio is not going to issue a permit to a farm that would harm the community. He further commented that during recent heavy flooding it was apparent that Ohio's regulations are working. Mr. Van Kley stated that he has worked with other states and that Michigan's regulations are not as strict as Ohio. There is a misunderstanding on how CAFOs are handled in Ohio. For example, both cities and dairies use engineered manure storage facilities. Cities are allowed by law to discharge directly into a stream, however farms cannot do so.

Keith Dimoff, Executive Director; Ohio Environmental Council (OEC), reported that Kristy Meyer, OECs outreach coordinator, recently gave birth to a little girl. Mr. Dimoff commented on the recent ruling of the shoreline court case stating that it affects the state's ability to protect the ecosystem, that it does not acknowledge property owners and does not assert the low water mark of the state's jurisdiction. Mr. Dimoff commented on the fear of a combined floating boundary and littoral rights could add up to litigation with the state as part of the state's coastal program. Mr. Dimoff asked the Commission to be vigilant on this matter and the right of Ohioans to access the shoreline and to urge the administration to support the previous Public Trust doctrine to the high water mark.

ADJOURNMENT

Motion was made by ODA and seconded by ODOT to adjourn, all in favor, the motion carried and the meeting was adjourned at 12:40 p.m.

Respectfully submitted,

*James Beasley, Commission Secretary and
Director; Ohio Department of Transportation
Prepared by the Ohio Lake Erie Commission Office
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