

OHIO LAKE ERIE COMMISSION MEETING
Leonard Krieger Canalway Center, Cuyahoga Heights, OH.

June 3, 2009

The Ohio Lake Erie Commission (OLEC) meeting was called to order by the Commission Chairman's Designee, Deputy Director Cathryn Loucas, ODNR, at 10:12 a.m.

Roll Call

Cathryn Loucas, Director's Designee; Ohio Dept. of Natural Resources (ODNR) and Sean Logan, Commission Chairman; Director; Ohio Dept. of Natural Resources (ODNR)
Tim Hill, Director's Designee; Ohio Department of Transportation (ODOT) and Commission Secretary Robert Boggs, Director; Ohio Department of Agriculture (ODA)
Gail Hesse, Director's Designee; Ohio Environmental Protection Agency (OEPA)
Gene Phillips, Director's Designee; Ohio Department of Health (ODH)
William Murdock, Director's Designee; Ohio Department of Development (ODOD)

Chairman's Report

Cathryn Loucas opened the meeting and reviewed the agenda items which includes a special presentation on the Rocky River Watershed Balanced Growth Plan being presented for endorsement, and the kickoff celebration of the recovery of the Cuyahoga River ~ the "2009 Year of River."

BUSINESS MEETING

Minutes

Motion was made by ODA to accept the minutes of the March 25, 2009 meeting and was seconded by ODOD. The commission members voted all in favor and the motion carried to approve the March minutes.

Executive Committee Report

Cathryn Loucas, ODNR; Committee Chair, presented four Executive Committee recommendations being brought before the Commission members for approval:

(1) Fiscal Administration – In accordance with ORC 1506.23 and 1506.23 that establishes the Commission's two funds: Lake Erie Protection Fund for Grants and the Lake Erie Resources Fund for Operations. The law states that the Commission members are to designate an agency member each year to administer these two funds. OEPA has been the designee for a number of years and has agreed to continue in the administration seat for SFY 2010. It is the recommendation of the Executive Committee that the administration remain with OEPA. Motion was made by ODOD and seconded by OEPA to approve the agency remain as fiscal administrator for the Lake Erie Commission. The Commission members voted all in favor and the motion carried.

(2) Proposed Annual Budget for SFY 2010 - It has been the practice for the Commission members to approve the budget annually for the Commission's Lake Erie Resources Fund (Operations) and the Lake Erie Protection Fund (Grants.) Both are non-general revenue funds. The Biennium Budget Request for Operation funds is \$380,000 in SFY 2010 and \$383,000 in SFY 2011, and \$450,000 for Grants in both fiscal years. The Operations request was approved by the House and the Senate trimmed the amount to \$301,000. Impacts are being evaluated from this cut. This is pending and will be sent to Conference Committee for a final decision. The annual budget being presented for approval is \$347,900 for Operations reflecting the Governor's Executive Order for a 30% cut in expenditures. A \$450,000 amount for Grants was presented for SFY 2010 noting that this amount has been approved by the House and Senate in both fiscal years and will not have changes. The Executive Committee requested a motion to approve the SFY 2010 Annual Budget as presented, but noted that the Commission's approval is only effective pending the Ohio General Assembly's approval of the Biennium Budget. The budget will be adjusted accordingly based upon the final budget appropriation. Motion was made by OEPA and seconded by ODOT to approve the SFY 2010 Annual Budget as presented. The Commission members voted all in favor and the motion carried.

(3) Recommendation for SFY 2010 Fund Allocation and Priorities – The Executive Committee members recommended allocation of the \$450,000 in grant funds for SFY 2010, as follows: (1) Small Grants Program – a total of \$150,000 for ten projects next year with a \$15,000 cap per project; (2) Balanced Growth Program - \$50,000 for Balanced Growth activities; (3) Targeted Priority Grants - \$200,000 for larger goal projects which would fund two watershed plans at \$100K each; and (4) The remaining \$50,000 for a pass-through grant that OWDA awarded to Chagrin River on Balanced Growth work. The Executive Committee members requested a motion to approve the allocation of the Lake Erie Protection Funds in SFY 2010 and that the approval is contingent upon the Ohio General Assembly approved of the Biennium Budget. Motion was made by ODH and seconded by ODOD to approve the recommended allocation of grant funds. The Commission members voted all in favor and the motion carried.

(4) Best Local Land Use Practices (BLLUP) Case Studies – The Executive Committee members asked for approval to fund a Best Local Land Use Practices Case Studies proposal that will be used as an educational tool in the BLLUP training program. An RFP was released in May 2009 and two proposals were received that are undergoing review. The project will develop case studies illustrating engineering design of a low impact development project from conception through implementation and will be presented at workshops by the grantee for engineers and professionals. The Executive Committee members recommended approval of a grant with one of the two firms for an allocation of up to \$40,000. The Commission Office will be conducting interviews of both grantees. Motion was made by OEPA and seconded by ODA to approve the allocation. The Commission members voted all in favor and the motion carried.

State Audit for Fiscal years 2007 and 2008 – It was also reported that the State Audit on the Commission's receipts and expenditures was completed for SFY 2007 and 2008. A management letter was received from the Auditor of State showing no instances of non-compliance or internal control weaknesses. OEPA and the Commission staff were thanked for their efforts.

Endorsement of the Rocky River Watershed Balanced Growth Plan

Ed Hammett, OLEC, introduced the pilot project work which took place on the Upper West Branch of the Rocky River and noted the plan addresses the goals of the Lake Erie Protection & Restoration Plan and identifies Priority Conservation Areas (PCAs) and Priority Development Areas (PDAs.) Mr. Hammett reported that the watershed plan has secured 75% local support and coordination with state agencies. The State Assistance Work Group members and Executive Committee members recommend approval of the endorsement. The project director, Jeff Van Loon, and Gary Norcia from Medina County SWCD were introduced and presented an overview of the Rocky River Watershed Balanced Growth Plan. Additional members of the planning partnership who were present were also introduced and included Patrice Theken, Medina County Planning Commission; Jim Kamps, Hinckley Township/Medina SWCD; Jarod Bartley, Cuyahoga SWCD; Ivan Hack, Rocky River Watershed Council; and Mary Wells, NOACA. The project director also recognized John Watkins, ODNR-OCM, for his assistance with the project. It was reported that the pilot project area lies between Lorain and Cleveland within four sub-watersheds, covering 45,000 acres and a portion of the headwaters of the Rocky River. The Upper West Branch lies within Medina County with portions of seven townships (Brunswick Hills, Granger, Hinckley, Lafayette, Medina, Montville and Sharon) as well as the municipalities of Brunswick and Medina. An agri-suitability factor was considered with Priority Agricultural Areas also being identified. Support for the plan comes from 10 jurisdictions, seven townships, two municipalities and the City of Medina. It was further reported that potential projects that will benefit from this watershed plan include the City of Brunswick's trails for its recently constructed Nature Center, Medina Township's scenic highway, City of Medina's restoration of urban stream corridors, and improvement of stream quality in Montville Township. Executive Committee Chair, Cathryn Loucas (ODNR), commended the planning partnership's work and its locally driven Balanced Growth Plan. Motion was made for endorsement of the Rocky River Watershed Balanced Growth Plan by ODOD and seconded by ODOT. The Commission members voted all in favor and motion carried to approve the endorsement.

Grants Committee Report – Lake Erie Protection Fund (LEPF)

Before the grants report was presented, the Commission members recognized Grants Committee Chairman Bill Goodman for his years of service as committee chair since 2004. Mr. Goodman will be retiring from the Ohio Dept. of Agriculture at the end of June 2009.

Small Grants Program

Bill Goodman, ODA; Grants Committee Chairman, reported that the majority of revenue generated for the LEPF comes from the sales of Lake Erie License Plates. Mr. Goodman presented the Grants Committee funding recommendation for four small grant projects submitted during fourth quarter of State Fiscal Year 2009 in the total amount of \$59,900. Motion was made by ODA to approve the Grants Committee recommendation and seconded by ODH. The commission members voted all in favor and motion carried to approve the following small grant projects:

- GreenCityBlueLake Institute, Cleveland Museum of Natural History for project entitled, “*Promoting Regional Land-use Planning*”, Project Director: David Beach in the amount of \$15,000. This will be a Balanced Growth project;
- The University of Akron for project entitled, “*Real-time Hypoxia Monitoring Platform*”, Project Director: Peter Lavrentyev in the amount of \$15,000;
- Kent State University for project entitled, “*Identification of Microcystin-Degrading Bacteria*”, Project Director: Xiaozhen Mou in the amount of \$15,000; and
- Chagrin River Watershed Partners for project entitled, “*Developing Web Resources for NE Ohio Communities*”, Project Director: Rachel Webb in the amount of \$14,900.

It was further reported that each year the Commission members approve the next state fiscal year’s application and guidelines for the Lake Erie Protection Fund grants program. Both the Grants Committee and Executive Committee members asked for approval of the new materials. Motion was made by ODOD to approve the documents as presented and seconded by OEPA. The commission members voted all in favor and the motion carried to approve the SFY 2010 LEPF application and guidelines.

Ohio Lake Erie Commission ~ Office Report

Executive Director Ed Hammett, OLEC, opened his report by thanking Bill Goodman, ODA, for an excellent job and all his efforts in moving the grants program forward as committee chairman.

Balanced Growth Program ~ Pilot Projects

Ed Hammett, OLEC, reported that there have been four pilot projects on Balanced Growth noting that Chippewa Creek was endorsed this past December and that the Chagrin River and Swan Creek Plans will be brought before the Commission for endorsement at the September 2009 meeting. It was recently announced that the program has been approved for additional funding in the Ohio River Basin which will take the Balanced Growth Program statewide.

Best Local Land Use Practices

The Best Local Land Use Practices training program will continue with technical workshops for a third year. The workshops will be offered to landscape architects, county planning directors and stormwater specialists. The Ohio Coastal Training Program is also assisting with developing additional tools and workshops to help implement the Balanced Growth Program.

Balanced Growth Review Process

The first element of the review process has been about lessons learned by speaking with those involved with the pilot projects about what went well and what changes need to be made to the process. A survey was conducted regarding views on Balanced Growth on what did work and what could work better. The Smart Growth Leadership Institute also reviewed Ohio’s Balanced Growth Program and made a few recommendations. We are currently awaiting the results of their final report. With these three efforts, the planning framework on Balanced Growth has been successful. The next year will focus on development of an RFP for additional projects, and we will bring these projects before the Commission at the December 2009 meeting. Also, an update of the Balanced Growth Strategy document reflecting recommendations from the review process will be brought before the Commission in December.

Other Projects & Programs

Western Lake Erie Basin (WLEB) Study

The Commission Office will continue to provide support to the WLEB for the next three years by providing support for their outreach committee, assisting with meetings, preparing minutes and managing the WLEB Partnership's website.

Ohio's Coastweeks 2009

Plans for Coastweeks 2009 are in full swing with "Call for Event" planning forms being submitted by environmental organizations and agencies all along the shoreline. Those interested in organizing a cleanup can do so until July 9 to be included in this year's *Coastweeks Times* and all promotional materials and press releases this fall. Coastweeks takes place during International Coastal Cleanup Day on Saturday, September 19 and is celebrated along Ohio's Lake Erie shoreline, throughout the United States and around the world in 80 countries. The focus of the program is a strong emphasis on cleanup events along Lake Erie, its rivers and streams.

2009 Ohio Lake Erie Awards

A call for nominations has been released for this year's 2009 Ohio Lake Erie Awards. The purpose of the award is to honor Ohio's citizens and organizations who have made outstanding contributions to Ohio's Great Lake.

"Life on Lake Erie" Photo Contest

The 2009 photo contest is underway for the new year. Photos taken between July 9, 2008 and July 12, 2009 are eligible for entry. All winning images tour the Lake Erie shoreline and will be featured at Fish Ohio Day in Port Clinton. The contest ends July 16, 2009 with the winners being announced and unveiled at the Commission's September 2009 meeting. Director Boggs, ODA, suggested the photo gallery be displayed in Columbus at the State House (*since this meeting, the gallery will be hosted by the State Capitol during the month of November/December 2009.*)

Next OLEC Meeting - The next Commission meeting will take place along the Lake Erie shoreline at the University of Toledo's Lake Erie Center, 6200 Bayshore Road, Oregon, Ohio on September 23, 2009 (*since this report, the September meeting has been changed to Monday, September 28, 2009 at the same location..*)

Invited Report

40th year Celebration of the Recovery of the Cuyahoga River ~ "2009 Year of the River"

Jane Goodman, Cuyahoga RAP, presented an overview of the Cuyahoga River from its historical fire, which took place 40 years ago, until the present time. The Cuyahoga River has had tremendous success in its recovery since the historical fire in the late 1960's. It has gone from a fishery of 20 species to over 200 demonstrating the success of both conservation and economic development. It was reported that without the historical fire, good things would not have happened to the region which included the adoption of the Clean Water Act in 1972 to protect the nation's waters and to stop pollution from being discharged into the waterways. The "2009 Year of the River" theme was developed as an overall goal to raise awareness and stewardship from the farm stream to the river to the lake. Plans for the celebration started this year with proclamations taking place throughout the 813-mile watershed. The actual anniversary celebration will take place on June 22, 2009 at Settlers Landing (Cleveland.) The program will recognize the major entities that helped the Cuyahoga River improve and being able to apply for the 2009 delisting request: (1) the National Park – a riparian zone that has helped with delisting goals; (2) the Metroparks including Summit Metropark and those outside the RAP; Portage Park Districts and the Sewer Districts; and (3) businesses that have contributed with cleanup of area industry. Activities and events will continue throughout the year so that Ohioans can "rediscover, respect and revitalize" the Cuyahoga River. At the conclusion of the presentation, the Commission Chairman read the Governor's Resolution recognizing 2009 as "*The Year of the River*" and presented the document to Joe Koncelik, Chairman of the Cuyahoga RAP.

Agency Reports

Robert Boggs, ODA, reported on concerns of the viral hemorrhagic septicemia (VHS – fish virus) in the Lake Erie watershed recently discovered in Clear Fork. The agencies have concluded they will try to restrict bait fish from the basin. Many farmland preservation requests and applications have been received with the agency only being able to fund about one-fifth or less.

William Murdock, ODOD, reported the agency released a major study on their incentives program for purposes of making them more effective. The agency is preparing for the US census count which will take place next year. ODOD is also working on a statewide effort to identify parcels across the state available for development as well as busy working on the auto industry issue, brownfields and clean up. It was also reported that Clean Ohio Funds provide grant dollars for environmental assessment. In the next 6-18 months \$300K will be available for environmental assessment.

Gene Phillips, ODH, reported that the Lake Erie bathing beach monitoring program began May 27, 2009 in which beaches are being sampled for *E. coli*. ODH works through local health districts for the season and posts the information at the agency's website. The deadline to make decisions on the proposed legislation for HB 119 is July 1, 2009. ODH has been working extensively on the H1N1 issue and a portion of the agencies were recently mobilized to work on a potential incident.

Sean Logan, ODNR, reported that the senate just announced approval on oil and gas production on state lands. The agency is also busy promoting "Explore the Outdoors" at ohio.com which is a program providing a hands-on outdoor, nature-based experience for families. Over 500,000 booklets were recently distributed for activities throughout the state forests and natural areas. It was reported that \$475M is anticipated for the Great Lakes Restoration Initiative which will help protect 20% of the world's fresh water and 95% of America's fresh water. It was also reported there are a lot of issues surrounding wind energy for Lake Erie. The Office of Coastal Management has put together on their website a wind map with 17 overlays illustrating nautical miles, flyways, shipwrecks, shipping channels, fisheries and other water habitat areas. The agency believes wind energy can be done safely and protectively. It was further stated that developers of energy need to talk early and often with regulatory oversight.

Tim Hill, ODOT, reported that the agency is busy with its first list of projects with almost \$300M (stimulus money) in projects to get Ohioans back to work. The ODOT director is looking at what kind of future we are leaving for our grandchildren and evaluating how ODOT does business. The agency is going "green." First, ODOT will not use harsh chemicals in its operations with 50,000 miles of guardrails and 42,000 bridges to maintain where chemicals have been used previously for nearby weed control. The agency is looking at locations where invasive species control is paramount and has also developed an internal website which allows employees to report how ODOT can go green.

Gail Hesse, OEPA, reported it is OEPA's intention to limit open lake disposal and recently signed a letter last week objecting to the USACE FONSI (findings of no significant impact.) It was further reported that the Binational Lake Erie Lakewide Management Plan has issued a nutrient plan for Lake Erie and the agency is taking a close review of that plan and what it means for Ohio.

Advisory Committee Reports

Edith Chase, Ohio Coastal Resource Management Project, commented being pleased to hear the Wingfoot Lake property will be acquired by ODNR's Division of Wildlife for continued conservation (a 540-lake area in Portage County.) And, that ODOT is exploring more ways to use renewable power and is now using low-energy LED lights. Ms. Chase also reported on the 100-year anniversary in Niagara Falls of the Boundary Waters Treaty between Canada and the United States.

Dr. Jeffrey M. Reutter, Ohio Sea Grant College Program, reported that Sea Grant is in the process of reviewing their March Call for Pre-proposals, and is co-funding a project at Old Woman Creek. Friends of Stone Lab just held their scholarship program with 21 college and 27 high school scholarships awarded. Dr. Reutter thanked the Ohio Division of Wildlife and USGS for collaborating and supporting the research experience this year. Lectures will be open to the public this summer on Thursday evenings. The lecture series will feature three of the commission directors: Director Logan,

ODNR; Director Boggs, ODA and Director Korleski, OEPA. Saturday, September 12 will be Stone Lab's day-long Open House which includes tours of the Fish Hatchery and South Bass Island Lighthouse. Also, August 5 will be Legislators' Day on Put-In-Bay. There will be a circuit tour around Lake Erie showing science behind the management. Gail Hesse, OEPA and Chair of Ohio's Phosphorus Task Force, will be presenting on phosphorus.

Cheryl Rice, NRCS, reported that Steve Davis, NRCS, is retiring and she will be replacing him on the advisory committee. NRCS is currently focusing on program sign-ups and working on the organic component of the Farm Bill.

Matt Horvat, TMACOG, reported that TMACOG has completed and submitted their Swan Creek Watershed Balanced Growth Plan.

PUBLIC COMMENT PERIOD

Glen Odenbrett, Coordinator of CLEAN (Collaborative Learning for Environmental Action Network) reported on this northeast Ohio consortium sponsored by the Western Reserve Conservation and Development Council. Among their goals is to convene a regional inter-institutional team of undergraduate faculty to engage students in collaborative environmental service-learning and community-based research at the undergraduate level. The organization works closely to make sure there is link to work force development opportunities. CLEAN is affiliated with SENCER (Science Education for New Civic Engagements and Responsibilities) which is a national curriculum development project to improve science education by focusing on real world problems. A roundtable discussion will take place at the Canalway Center on June 24 to put some of their activities and best practices into play.

I-Chuh Lee, Liang Cheng and Ding Le representing OSU's Mapping and GIS Laboratory introduced their mapping and research projects supported by Ohio Sea Grant and the National Science Foundation. Panoramic photo enlargements (OSU stadium) were handed out as examples of the mapping that can be produced in the lab that can be applied to Lake Erie and its coastal areas.

Jim Kastelic, Cleveland Metroparks, reported on the "Year of the Greenway" which is a program to connect towpaths and trails from Philadelphia to Lake Erie. The Metropark is working with Cleveland to connect the greenway along corridors such as West Creek and Mill Creek. There are a lot of studies being done to get these trails completed. Mr. Kastelic thanked Director Logan, ODNR, and the agency for all their efforts and expressed that the water quality corridors are important to our citizens.

Meeting Guests

John Aldrich, CDM; Jared Bartley, Cuyahoga SWCD; Priyanka Bawerjje, Cleveland Metroparks; Amy Brennan, Chagrin River Watershed Partners; Edith Chase, OCRMP; Liang Cheng, OSU Mapping/GIS Lab; Pam Davis, Cleveland-Cuyahoga Port Authority; Jane Goodman, Cuyahoga RAP; Ivan Hack, Jr., Rocky River Watershed Council; Ed Hammett, OLEC; Matt Horvat, TMACOG; Anne Hill, Governor's Cleveland Office; Jim Kamps, Hinckley Township/Medina SWCD; Jim Kastelic, Cleveland Metroparks; Richelle Kidder, NOCHE; Joe Koncelik, Frantz Ward LLP; Stephanie Kutsko, Cleveland Metroparks; Ding Le, OSU Mapping/GIS Lab; I-Chuh Lee, OSU Mapping/GIS Lab; Frank Lopez, ODNR-Division of Wildlife; Linda Mayer Maul, NEORS; Victoria Mills, Doan Brook Watershed Partnership; Gary Norcia, Medina SWCD; Glen Odenbrett, Western Reserve RC&D; Dr. Jeffrey M. Reutter, Ohio Sea Grant/OSU; Cheryl Rice, USDA-NRCS; Chris Riddle, OLEC; Jan Rybka, Cuyahoga SWCD; Jerry Sgro, John Carroll University; Andrew Skeriotis, The University of Akron; Kevin Skerl, Cuyahoga Valley National Park Service; Derek Taylor, Cleveland Metroparks; Patrice Theken, Medina County Planning Commission; Jeff Van Loon, Medina SWCD; Mary Wells, NOACA; and Jill Woodyard, OLEC.

ADJOURNMENT

The meeting was adjourned at 12:25 p.m.

*Prepared by the Ohio Lake Erie Commission Office
on behalf of the Commission Secretary*