

**OHIO LAKE ERIE COMMISSION MEETING**  
**Visitor Center, Ottawa National Wildlife Refuge**  
June 15, 2011

**Call to Order and Roll Call – David Mustine, Commission Chair**

The Ohio Lake Erie Commission (OLEC) meeting was called to order by the Commission Chairman, ODNR Director David Mustine, at 10:25 a.m.

**Commission Members Present**

Commission Chairman David Mustine, Director, Ohio Department of Natural Resources (ODNR)  
Scott Nally, Director, Ohio Environmental Protection Agency (OEPA)  
James J. Zehringer, Ohio Department of Agriculture (ODA)  
William Murdock, Director's Designee, Ohio Department of Development (ODOD)  
Bill Cody, Director's Designee, Ohio Department of Transportation (ODOT)  
Gene Phillips, Director's Designee, Ohio Department of Health (ODH)

**Staff Present**

Ed Hammett, Executive Director, Ohio Lake Erie Commission (OLEC)  
Sandra Kosek-Sills, OLEC  
Kristin Gardner, OLEC  
Linda Zmudzinski, OLEC  
Steve Holland, ODNR

**BUSINESS MEETING**

**Chairman's Report and Approval of the March 2011 Meeting Minutes, David Mustine, ODNR**

Director Mustine welcomed the attendees and thanked the USFWS for the use of the facility for the meeting.

**A motion was made by ODOD and seconded by ODA to approve the March 9, 2011 OLEC meeting minutes. No discussion was offered. The commission members voted all in favor and the motion carried.**

**Executive Committee Report**

Gail Hesse (OEPA) is present on behalf of Scott Zody (ODNR), Executive Committee Chairman, to give the Executive Committee report. She presented two Executive Committee recommendations being brought before the Commission members for approval:

(1) Proposed Annual Budget for SFY 2012 - 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 of these are non-general revenue funds. The annual budget being presented for approval for SFY 2012 is \$357,533 for Operations and \$400,000 for Grants. The Executive Committee requested a motion to approve the SFY 2012 Annual Budget as presented, but noted that the Commission's approval is effective pending the Ohio General Assembly's approval of the Biennium Budget. The annual budget will be adjusted accordingly if needed based upon the final state budget appropriation.

**Motion was made by ODOD and seconded by OEPA to approve the SFY 2012 Annual Budget as presented. There was no additional discussion. The Commission members voted all in favor and the motion carried.**

(2) Endorsement of the Big Creek Watershed Balanced Growth Plan – Jim White of the Cuyahoga River Community Planning organization, project manager for the Big Creek Watershed Planning Partnership, presented the Big Creek Watershed Balanced Growth Plan. Bob Gardin of the Friends of Big Creek, who will be taking over as Watershed Planning Partnership managers, was also present. The plan addresses the goals of the Lake Erie Protection & Restoration Plan and identifies Priority Conservation Areas (PCAs) and Priority Development Areas (PDAs). Gail Hesse reported that the watershed plan has secured significant local support (95% by area, 98% by population, and 71% by number of communities). It is noted that this level of support by number of communities is below the guideline of 75%, however one of the two remaining communities is a Balanced Growth participating community and the other does not include and PCAs or PDAs for the Big Creek watershed area. This will be the fifth Balanced Growth Plan endorsed by the state, making these five participating communities eligible for further state support for plan implementation through special incentives. The State Assistance Work Group members and Executive Committee members recommend approval of the endorsement.

**Motion was made by ODA and seconded by ODOD to endorse the Big Creek Watershed Balanced Growth Plan.**

Discussion: Mr. Zehringer inquired to Jim White, what do you look for in phosphorus removal in an urban watershed? Jim White replied, the main problem is rate of transport – phosphorus is present primarily as particulates – not as much of the dissolved form. Sources include bank erosion due to flooding, the sediments go into the stream. This is why flow reduction is a key component of the plan. ODOD commented that they appreciate the plan focus on redevelopment – it is an urban watershed, most urban we have seen – we look forward to implementation.

**The Commission members voted all in favor and the motion carried.**

#### **Grants Committee Report – Lake Erie Protection Fund (LEPF)**

Steve Holland, ODNR, Grants Committee Chairman, reported that the majority of revenue generated for the LEPF comes from the sales of Lake Erie License Plates. There are four actions under consideration for Commission action.

(1) Small Grants Program - Mr. Holland presented the Grants Committee funding recommendation for three small grant projects submitted during fourth quarter of State Fiscal Year 2011 in the total amount of \$43,747.

**Motion was made by ODOD to approve the Grants Committee recommendation and seconded by ODOT. There was no additional discussion. The commission members voted all in favor and motion carried to approve the following small grant projects:**

- The Ohio State University College of Public Health for project entitled, “Evaluating the linkage between Lake Erie water quality and public health for Ohio residents”, Project Director: Timothy Buckley in the amount of \$14,997;
- The Chagrin River Watershed Partners for project entitled, “Roadside ditch sediment control project”, Project Director: Matt Scharver in the amount of \$15,000; and
- University of Toledo for project entitled, “Buckthorn in the Oak Openings”, Project Director: Richard Becker in the amount of \$13,640.

(2) **Balanced Growth Grants Program** – The Executive Committee recommended that an additional \$30,000 be allocated to the Balanced Growth grants.

**Motion was made by ODOD and seconded by OEPA to approve the increase in total Balanced Growth allocation for the fiscal year to \$80,000.**

Discussion: Mr. Zehringer inquired whether this is normal procedure. Mr. Holland replied that this action was recommended by the Executive Committee. ODA inquired about the source of the funds. Mr. Holland replied that this is part of the allocation from the LEPF (license plate sales). It is recommended to allow funding of the Swan Ck project. Mr. Hammett added that the original allocation in the budget was \$400,000; however the Commission had only allocated \$370,000 so far this year, and \$30,000 remained unallocated. This recommendation does not exceed the state budget amount and is at the discretion of the Commission. Director Nally asked: so this was already in there just unallocated? Mr. Hammett replied, yes. Some funds also come from credit card and donations but most are from license plate. ODA stated that they wanted to be clear the Commission was not spending more GRF at end of year. Mr. Hammett answered no, these are not GRF and the allocation has already been approved at the state budget level.

**The Commission members voted all in favor and the motion carried.**

**Motion was made by OEPA and seconded by ODH to approve the Executive Committee recommendation for the Balanced Growth grant. There was no additional discussion. The commission members voted all in favor and motion carried to approve the following Balanced Growth grant project:**

- Toledo Metropolitan Area Council of Governments for project entitled, “Swan Creek Urban BMP Inventory and Assessment”, Project Director: Ann-Drea Hensley in the amount of \$15,000.

(3) LEPF Allocation for 2012 – Mr. Holland presented the allocation split for the LEPF grant programs for SFY 2012 that is recommended by the Executive Committee. These are to allocate \$150,000 to the Small Grants Program, and \$50,000 to the Balanced Growth Grants Program. The Executive Committee recommends that the Commission wait to allocate the split for the Targeted Grant Program pending an opportunity to evaluate the 2011 license plate sales and priorities for use of these funds.

**Motion was made by ODOD and seconded by OEPA to approve the allocation split for the SFY 2012 LEPF programs as presented. There was no additional discussion. The Commission members voted all in favor and the motion carried.**

(4) LEPF Application Materials Update and Schedule – 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. Mr. Holland reviewed the minor recommended changes, which include a reduction in paper copies required and language indicating that conference travel will not be funded.

**Motion was made by ODOD and seconded by ODA to accept changes in the SFY 2012 LEPF application as presented.**

Discussion: Director Mustine stated that it was a good idea to remove the extra hard copies to make the process more efficient.

**The Commission members voted all in favor and the motion carried.**

Mr. Holland then reviewed the list of application deadlines.

**Motion was made by ODA and seconded by ODOD to approve the application deadlines for the SFY 2012 LEPF as presented. There was no additional discussion. The Commission members voted all in favor and the motion carried.**

### **Special Report: Harmful Algal Blooms & Nutrient Loading**

Director Mustine introduced the special report by stating that our mission is to protect and restore Lake Erie, which includes helping with economic development of the region. Ed Hammett, Gail Hesse, and Dr. Jeff Reutter are here to talk about the nutrient issue which is important for protecting the lake and its economic value.

Mr. Hammett started the presentation by stating that there was interest at last meeting to review the nutrient issue in more detail at this meeting; it is an ideal time, as a number of efforts are underway. Start with focus on what has happened so far in 2011; Dr. Reutter to talk about research; Gail Hesse to discuss Phosphorus Task Force recommendations and where to go from there. Copy of the categories of activities is available as handout. (see attached slides)

Mr. Hammett concluded the presentation by saying that momentum is building; we are in a transition period between research and management, deciding how to move forward. Thanks to Gail Hesse for work with Phosphorus Task Force and for bringing it forward. Also thanks to Dr. Reutter for efforts to pull the research findings and implications together. Reflects work of very talented group. Also appreciate funding from USEPA, LEPF, GLRI, and others working on this. Director Mustine thanked the speakers.

### **Ohio Lake Erie Commission Office Report**

Executive Director Ed Hammett presented the office report (see attached slides).

Question from Director Nally on photo display: where is it now? Mr. Hammett replied: currently on display in the lobby here. Scheduled to be out and about along the lake, it is a good opportunity to advertise the Lake Erie license plate.

Director Mustine presented Mr. Hammett with a recognition certificate signed by the governor as a thank-you for service on retirement. Mr. Hammett expressed his thanks to the commission members for the opportunity to serve with current commission, and also thanks to the alternates, executive committee members, and grants committee. Director Mustine added that the hiring process is under way and there will be more to report on that later.

## **Agency Reports and New Business**

Director James Zehringer, ODA: Looking forward to reading the analysis document prepared by Dr. Reutter. There are 180 CAFOs in Ohio (20 in the Lake Erie watershed), and 77,000 farms: ODA is making areas with CAFOs a priority for soil testing. Conservation tillage possibly the start of not incorporating fertilizer in the soil, hope to address that. Thanks for the report, ODA agrees with the recommendations.

William Murdock, ODOD: Ohio Tourism released a study of valuations last month, a \$38 billion industry in Ohio. Latest numbers on Lake Erie tourism also: \$10 billion for the counties along the lake. Effects of phosphorus/algae issue on tourism recognized. Brownfields funding for Clean Ohio still available deadline is in July. This includes financing for LID/green stormwater infrastructure. For more information see Urban Development Division website.

Gene Phillips, ODH: Water sampling for the season is underway. Nowcast system up and running online; new Facebook page is online for beach health.

Director Scott Nally, OEPA: The new HAB advisory will be released this week. It will be posted on the web.

Bill Cody, ODOT: We are in talks with ODNR for statewide dam removal; want to focus on Lake Erie watershed runoff management. Working on reconstruction of the Perry Boat Terminal in Lorain (will house port authority). Working on plans for rehabilitation of CDF. Green bulkheads in Cuyahoga ship channel going in soon.

Director David Mustine, ODNR: Compact legislation (HB 231 and SB 170) in legislature; presented today. Hard to say if it will complete before adjourn. It is important to get it done.

## **Advisory Committee Reports**

Ohio Coastal Resources Management Project: No report.

Dr. Jeff Reutter, Ohio Sea Grant College Program: Combining legislative days; one event will be held Aug 4 & 5. Started past Sunday lighthouse tours; series of workshops on HABs for agency and wtp operators in August; event for coastal county commissioners and other local officials on the 18<sup>th</sup> of August. The public is invited to Put in Bay/Stone Lab Sept 10. Volunteers from Stone Lab will be helping plant trees on North Bass Island in September. The latest round of research grants are in the pre-proposal phase. We have asked several to develop and submit fill proposals. Thanks to Director Nally and Director Mustine for agreeing to be speakers over the summer. This series will be streaming live over the web by webex. Thanks to Ed Hammett for being a great partner and collaborator through the years, it will be a tough act to follow. Recognized John Hageman, Stone Lab Manager, who will be retiring at the end of August.

Cheryl Rice, NRCS: WLEB meeting next week, June 21<sup>st</sup>. CTIC Tour in August – great opportunity for cost effective tour of area look at issues & practices. Field staff have funds from GLRI to target watersheds with info (practices) July 1<sup>st</sup>.

Ann-Drea Hensley, TMACOG: Thanks to the Commission for the LEPP grant for Swan Creek. TMACOG has completed the Wolf Creek/Berger Ditch Corridor Restoration Plan. This Oregon area watershed is a source of contaminants & bacteria to the western basin of Lake Erie at Maumee Bay. We have also completed an inventory of 50 systems for the Toledo area 208 plan and are coordinating with other agencies for water quality and other data (city, OEPA, Census). This plan will include sections on green infrastructure and LID. We are in the process of digitizing additional info.

Dave Ritter, NOACA: (New staff person) NOACA is updating 208 plan also. Plan to work with local watershed groups for bioengineering demos; work plan into future looking at all opportunities in all the counties, getting to know the stakeholders.

### **PUBLIC COMMENT PERIOD**

Milt Baker of Bluewater Satellite: One thing we see in satellite images is blooms start small and get larger. We suggest looking at areas, find bloom early and treat them before they get big – more cost effective. Alum treatment at GLSM: look at alternate regimes along with early detection to treat. Director Mustine answered that the state is looking into various technical options for monitoring and treating algal blooms.

Bill Stockinger and Scott Lirot of Citizens for Preservation of Lick Creek: They are a nonprofit group working to resolve problems with the creek. The creek has been proposed for ditching. One of the problems under ORC 6131 (dating to 1910) re: cleaning out ditch or stream is that it goes on permanent maintenance and the local authorities go and dig it out regularly. What is result of permanent maintenance – the water shoots downstream. Causes erosion (showed photos). We realize the Commission members can't change ORC, but can we get a moratorium on further ditch projects and reduce maintenance until we have better practices? We have a report from Professor Dave Evans at BGSU, hydrologist expert on stream restoration, regarding Lick Creek in Defiance County, which drains eventually to Maumee. This county has 330 miles of "permanent maintenance". Sediments washed out and go through the Maumee River, increasing costs to dredge harbor. This creek has a floodplain (many don't), has had no significant flooding, so no need for the routine maintenance. Filed lawsuit last year. Haven't had a response to their concerns from state officials. ODNR recommended for a different project 25' access/clearing one side only, usual is 75' both sides. This was much better – come see project (Williams County). Director Mustine: thank you for bringing this up.

Sandy Bihn, President of Toledo Lighthouse Society and Lake Erie Waterkeeper: Provided invite to Toledo Lighthouse Festival July 9-10. Comments on nutrient issue: Grand Lake Saint Mary's has it easier; the HAB problem is more direct, there has been a more aggressive response. Please consider Detroit WWTP contribution through the Detroit River. Also try to focus on projects that get greatest reductions; request banning P in fertilizer; ban placement of manure on frozen ground.

Dave Spangler, President of Waterkeepers: HB 133: May lose revenue from boat taxes; talk of allowing water diversion out of Lake Erie; lower water levels will increase nutrient levels if we want to stop the problem lowering the levels is not a good idea. Has less water than other great lakes.

### **Adjournment**

Adjourn at 12:35.