

**OHIO LAKE ERIE COMMISSION MEETING**

**ODNR Assembly Center Columbus Ohio**

February 2, 2016 10:00 a.m.

**Call to Order and Roll Call – Craig Butler, OLEC Commission Chair; Director, Ohio EPA**

The Ohio Lake Erie Commission (OLEC) meeting was called to order at 10:00

***Commission Members Present:***

Craig Butler, Chair, and Director, Environmental Protection Agency (OEPA)  
James Zehringer, Director, Ohio Department of Natural Resources (ODNR)  
Richard Hodges, Director, Ohio Department of Health (enters 10:40, replace G. Phillips)  
David T. Daniels, Director, Department of Agriculture (ODA)  
Tim Hill, Director's Designee, Ohio Department of Transportation (ODOT)  
Karen Fabbiano, Director's Designee, Ohio Development Services Agency (ODSA)  
Harry Allen, Great Lakes Power Group, Chairman  
J. Kevin Cogan, JonesDay, Of Counsel  
Paul Toth, Jr., Toledo-Lucas County Port Authority, President/CEO  
William Murdock, MORPC

***Staff Present:***

Karl Gebhardt, Deputy Director, OEPA  
Leanne Greenlee, OEPA  
Sandra Kosek-Sills, OLEC  
Cindy Money, OEPA (Facilitator)

**Welcome and Agenda Overview: Craig Butler, Director, Ohio EPA, and OLEC Chairman**

**William Murdock moved the following resolution:**

**Resolved**, that the Commission approves the meeting minutes for December 16, 2015.

Kevin Cogan seconded the motion. No discussion was offered. The Commission members voted all in favor and the motion carried.

**Lake Erie Commission's Program Direction Discussion:**

Introduction by Director Butler on the importance of the commission's opportunity to reorganize, rethink.

Deputy Director Gebhardt: Reviewed legal requirements established in statute. There is an opportunity to make amendments in statute with budget bill. Suggestions (based in part on prior discussion) – have language drafted already because of length of process, needed to have it put in the portal already. We will bring this back in March for further review based on this discussion. Updates include:

- Do we want to have a relationship with GLC members appointed by the governor? The GLC is in charge of the Great Lakes Protection Fund from which funds are sent to OLEC.
- Creation of committees – needs sunset provision?
- Setting up length and number of terms of service for Commissioners.
- Add travel/expense compensation for commissioners?
- "Lake Erie agenda" aka the "Lake Erie Protection and Restoration Plan"

Facilitator: Process for continuing discussion. Ground rules.

Question: What do we mean by basinwide approach?:

Toth: Eastern, western, central basin of the lake.

Cogan: Have there ever been any cmtes? Gebhardt: P task force, but not official.

Toth: Maumee watershed as well. Not doing as good a job of getting info out about what the state is doing.

Cogan: Legislature gave commission a large mission. Have we accomplished much of this? Coordination of state agencies? Representing interests of the state? Promote education concerning wise management of resources. Could really take that on. Need to take a leadership role.

John Schlichter, ODA: Education comment – important but only part of whole.

Allen: If we take a leadership role we should divide and conquer. Quantify the issues. Governor needs to come back in, give lead.

Gebhardt: P Collaborative, we are engaged in that. Use talking points so we all know what OLEC is engaged in. How are we defining basin – just the lake, or the watershed basin, much is taking place outside of the lake in the watershed. Benefit of this agency is having the directors here with the public. Bring together the staff and the managers across the agencies. Improve the dialogue.

Schlichter: Outreach – quarterly meetings may not be frequent enough news cycle is much faster. May not be the task of this group to get all info out.

Allen: Outreach coordinator, staff to get info out.

Daniels: Not enough time to get all info out. Need a strategy.

Murdock: Value added to state agencies? Make sure this is setting up not just to be an advisory board but to have weight with the agencies. Make up of Commission - Users of the water – Port Authorities, others – How are they connected? Not necessary to be on commission, but connected somehow. Looking at impact, what can we bring to them.

Gebhardt: Are there things in the mission that are not needed? Or, less emphasis but to do as needed.

Murdock: Need flexibility, but set one to three priorities. LEPF plus a lot of small grants, a lot for a small agency to handle. Some of this is hard to do with a small group. Huge issues – water quality – need to leverage.

Schlichter: Needs have changed dramatically since last legislation. Commission role has expanded.

Hodges: Can be very expansive if you think of it as a service to all agencies. Strategize. Maybe all agencies bring resources to the table.

Phillips: ODH does not have a lot of effort on the lake. Health education is important. Could have more role.

Fabbiano: This is helpful to understand role of all the agencies. Role of development Important along lake as elsewhere.

Gebhardt: Benefit and strength is that all these agencies participate. OEPA director priorities are P reduction and dredging, what are other directors priorities? Impact on hiring more staff.

Allen: We have not been involved with the dredging issue. Discussing the issues is time well spent learning among members.

Murdock: Having been involved when it was just state agencies, powerful to have access to business and others . Deploy in business community, to communicate. Idea on how to tackle a problem.

Cogan: Competing interests. Building trust. For example – should the Waukegon application – should we be taking a position on that? Do we articulate what that position should be? Or are we spokespeople for the agencies as a group? Specific example. How should Ohio's position, as set by the governor, be informed by or communicated by this commission?

Toth: What is our stand on naming Lake Erie distressed? We need to step up and say we support it or not. Be the source of the correct information.

Allen: That should be one of our agenda items.

Gebhardt: At a minimum we need to understand. Now our position is no, we don't agree with that, it's not the way to go.

Hodges: Relationship of septic systems to Lake Erie issues. Would rather be saying positive things - how to get out of the situation.

Zehringer: Going in the direction of leadership? Be informed. ODNR has a stand on Waukegon, website for comments. Would have to recuse from discussion, sit on GLC (decision maker). Would be fine for OLEC to have a stand.

Cogan: Have to care first before you can understand. At a minimum mission of the OLEC to educate. A lot of people who depend on Lake Erie would care about some of these issues but don't know.

Facilitator: Education and Outreach is a common theme. Need to think about the overall mission and role.

Toth: LEPRP is a clear document, clear deliverables, make sure we are holding the agencies accountable for meeting these tasks, and getting the info about it out to the public. Still relevant, need update on where we are with plan.

Gebhardt: Some things in here for OLEC staff, but many for others. Need to do update. Would have at March meeting. It's a required activity. That would lead to next steps. Maybe that is the first step. Establish cmtes? Fits in with Collaborative effort.

Hodges: Agenda for a next meeting, where are we on the LEPRP?

Butler: That is the road map. Under that is the specific issues, how do we get those into the fabric of what we are doing. Need more info from agencies about positions and perspectives on issues. How do we get the broader buy-in? Link everything back to the LEPRP. With ED, was visible. Biggest change would be leadership - how does this become the umbrella? Should all come back here. Not that we do it all, but should cover it all. Picking out priorities. Do we need to do services - grants for example? Someone else to do that? Be more like the GLC - relationships not deeds. It's taking time from other things - discussion and decisionmaking.

Gebhardt: This is one plan of many. Want to minimize number of plans.

Butler: How to be the umbrella: LEPRP needs to be truly reflective of needs actions priorities (it is). What do we need to say in the statute. How do our ops reflect that and then the plan.

Kosek-Sills: Role of governor's office? <discussion>

Allen: Does the OLEC have resources needed? Do we need more?

Butler: All agencies are working on Lake Erie, different angles. Leveraging, coordinating. Refine notion of what specifically the problems are to direct resources. Adaptive management. Know sources of nutrients for example. Dedicating policy, programs, etc. to those. Is the pot big enough - can't tell, but make sure to coordinate and identify as best we can what we need for each piece.

Cogan: What is our confidence level on the Collaborative? Can we meet the goals? Do we need resources?

Gebhardt: <outline of Collaborative activity>

<discussion around P reduction issue>

Toth: What's the pie chart of sources?

Gebhardt: We can do that by subwsd. (TMDLs) Edge of field studies.

Jeff Reutter: We have numbers, need to be clear on where and when. Would like more confidence. Most P comes in spring with the rains. When we have a HAB, it's driven by ag in a wet year.

Gebhardt: Can still address point sources.

<discussion>

Butler: Targets, not meant to be a 100% removal of algae, make it less or not likely.

Hodges: How do we elevate the discussion about choices? HSTS - going on and on.

Butler: WWTPs, CSOs, all on compliance schedules some are out 30 years. Annex 4 and Collaborative give us a context and it has to be a comprehensive process.

Gebhardt: Circle back to discussion on funding. LEPP, GLPF \$, agency \$ (GRF). Outline – LEPP has been dependent on plate sales. GLPF funds, market forces. Should be hearing in April what the next GLPF level will be. LEPP – partnerships, foundations, marketing. More project specific development. LEPP grants directions to applicants. More smaller projects, fewer, larger projects? Leads to question of staffing.

Butler: Structure with Karl as lead of OLEC staff.

<break for lunch>

Butler: Time for our partners to speak.

Chris Winslow, OSG & Stone Lab: Education and outreach is our specialty, not just classroom but also general public. Outline of research projects structure, \$6M of P reduction projects underway summary coming soon. State agency participation including OLEC. Appreciate leadership discussion, good role for OLEC. Priorities bubble up through agencies to this group. Also appreciate being able to share research with this group. Link between research and policy.

Butler: What do you think about LEPP grant dollars?

Winslow: Good to use state dollars to match federal NOAA funds. Nice to have small grants to kick off projects.

Allen: How much have we worked with OSG? SKS: Tons.

Butler: Think about admin tasks do we need that?

Cogan: Is it required? Butler: Good question, need to check.

Winslow: <discussion of how funds are coordinated federal and state>

Could have an agenda where we come in to talk about the research results direct to the agencies.

Jeff Reutter: Like the idea of OLEC taking a greater role. Commission could host a conference to bring researchers in. OSG could coordinate but OLEC host.

<12:35 Butler leaves>

<12:45 Hodges leaves>

Gebhardt: Explore what we need to keep or change about grants. We have statutory authority for the LEPP. Current grant cycle – grants due mid-Feb.

Murdock: If we have priorities that we can articulate, we should do that. Should focus on top priorities. Get out of the grant administration biz. Cost of spending folks time on it. Let OSG or someone else do that.

Jeff Reutter: Role of Commission to write RFPs, leverage, focus priorities.

<further discussion about research>

<Hill leaves 1:00>

Murdock: Can we coordinate grants with other orgs? JobsOhio? Third Frontier?

Gebhardt: People bringing the technological “magic Box”, we work with them.

Winslow: <p tech concept research>

Facilitator: Recap

Cogan: Need some type of director, Gebhardt has multiple hats, not as clear who he’s speaking for. Time issue, better focus and more time specifically on the Commission business. Especially if the OLEC will have a lead role.

Gebhardt: OEPA had a Lake Erie Office, shifted into OLEC.

Zehringer: We need someone who understands Lake Erie deeply, that’s Karl. We need a Lake Erie person. (one person) that’s the direction we are going. Saves \$.

Cogan: agree person should be qualified.

Gebhardt: Will be working on updating the LEPRP, Collaborative

Toth: Agency updates.

Gebhardt: Updated statute language, mtg with OSG about research.

Winslow: We will have a summary report for the 23 projects finishing.

Public Comment

Carolyn Cohen, citizen: Concerned about water issues, jobs, Ohio sustainability. What actions will the OLEC take? Want to see some action on the sewage issue, ag runoff, put money into Ohio water one of our most important natural resources. Science is important but we need to have some action.

Allen: Needs response from Governor about what we are doing.

Gebhardt: If you hear news, let us know. We can put it on our news clips services.

Pam Allen (OEPA): Consider meeting more frequently to get to these issues better. Would like to come discuss the dredge issue.

Zehringer: Meeting more frequently would get more business conducted.

Cogan: These last two meetings have been very helpful.

**Director James Zehringer adjourned the meeting at 1:20 p.m.**

**NOTE:** Next Lake Erie Commission Meeting: March 23 at Maumee Bay State Park