

OHIO LAKE ERIE COMMISSION MEETING
Ohio Department of Natural Resources – East and West Conference Room
Assembly Center -Building E
March 26, 2014 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 10:10 a.m. by Director James Zehringer, ODNR, with the roll call.

Commission Members Present:

Craig Butler, Director, Ohio Environmental Protection Agency (OEPA) (10:15 am)
James Zehringer, Director, Ohio Department of Natural Resources (ODNR)
John Schlichter, Director's Designee, Department of Agriculture (ODA)
Tim Hill, Director's Designee, Ohio Department of Transportation (ODOT)
Tim Adams, Director's Designee, Ohio Department of Health (ODH)
Sadicka White, Director's Designee, Ohio Development Services Agency (ODSA) (10:15 am)
William Murdock, Mid-Ohio Regional Planning Commission, Exec. Director
Harry Allen, Great Lakes Power Group, Chairman
J. Kevin Cogan, JonesDay, Of Counsel
Paul Toth, Jr., Toledo-Lucas County Port Authority, President/CEO

Staff Present:

Gail Hesse, Executive Director, OLEC
Sandra Kosek-Sills, OLEC
Rian Sallee, OLEC
Heidi Rife, OLEC

Director Zehringer then turned over the meeting to Commission Chair Craig Butler at 10:15 a.m. upon his arrival.

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

Director Butler mentioned there are four actions before the Commission today. The first will be approval of the December meeting minutes then the approval of four grant projects.

Harry Allen moved the following resolution:

Resolved, that the December 2013 Meeting minutes be approved. William Murdock seconded the motion. No discussion was offered. The Commission members voted all in favor and the motion carried.

Director Butler then turned to Gail Hesse, Executive Director of the Ohio Lake Erie Commission to present the Lake Erie Quality Index Phytoplankton project.

Background

Ohio Lake Erie Commission staff is in the process of updating the *Lake Erie Quality Index* (LEQI), last published in 2004. This edition of the LEQI will utilize the metrics developed for the 2004

edition with available data collected since 2004. One exception was noted at the December Commission meeting with the funding request that was approved for a data collection project to update the metric for assessing coastal wetland conditions.

Since the December meeting, OLEC staff have identified an additional need to fund a project for updating the offshore Planktonic Index of Biotic Integrity (P-IBI). The P-IBI was developed by an independent researcher for the 2004 LEQI. Initially, OLEC expected to do this analysis in-house. However, upon further investigation, staff acknowledged that specialized expertise is necessary to complete the work and that a more efficient approach would be to seek outside assistance.

OLEC staff contacted the researcher who completed the analysis for the 2004 LEQI and he is available for this update for a modest cost of \$3,130. The researcher has specialized knowledge of the P-IBI and familiarity with the existing data set. Tasks will include updating the P-IBI for the years 2003-2012 for the western, central, and eastern basins of Lake Erie and calculating a lakewide score, which will complete the LEQI scoring for the Lake Erie plankton community.

In order to accommodate this project without requesting additional funds beyond the budgeted allocation for SFY14, OLEC staff proposed to reduce the funding level available in quarter four of our LEPF grants cycle from \$30,020 to \$26,500. This will be publicized on our website.

All LEPF funded projects must assist with implementation of the *Lake Erie Protection and Restoration Plan* and provide a direct benefit to Lake Erie and its tributary watersheds in Ohio. Funding for this project seeks to address the Indicators and Information Objective in the *Lake Erie Protection and Restoration Plan (2013)* to "Support nearshore and open lake monitoring in Lake Erie."

ODNR moved the following resolution:

Resolved, that the following that the following Lake Erie Protection Fund grant proposal be funded to provide updated planktonic index of biotic integrity data for use in the *Lake Erie Quality Index*:

- *Updating the Planktonic Index of Biotic Integrity (P-IBI) for Lake Erie*; Douglas Kane, Defiance College: \$3,130

ODSA seconded the motion.

Discussion:

Craig Butler, Director of the Ohio EPA asked what indicator this project relates to. Sandra Kosek-Sills and Rian Sallee answered that this project will provide the data for one of the metrics used for the biological indicator. Butler then asked about how the work is done and Gail Hesse responded that Douglas Kane collects the data and that he was the creator of the index and it is being further developed for this use.

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

Hesse then turned to Erin Hazelton, ODSA, on behalf of the OLEC Grants Committee to present the grant committee report and request for approval of 4 quarterly grant projects.

Lake Erie Protection Fund – Grants Committee Report

Background

The Ohio Lake Erie Commission administers the Lake Erie Protection Fund (LEPF) grant program with revenue generated by the sales of the Lake Erie license plate and other donations. Following the funding framework adopted by the Commission for SFY 14, the 3rd quarter grant cycle was open to proposals of up to \$15,000 with no targeted topics.

Projects must assist with implementation of the Lake Erie Protection and Restoration Plan (LEPR) and provide a direct benefit to Lake Erie and its tributary watersheds in Ohio. The Commission received ten applications for the 3rd quarter of the LEPF small grants cycle. The Grants Committee reviewed all applications and recommends the following grants for funding for a total of \$59,980 from the SFY14 small grants allocation:

- **“Rapid and Sensitive Microcystin Detection.” The Ohio State University. \$15,000**

The applicant proposes to develop a sensitive, rapid, user-friendly method to determine microcystin levels in water samples. The objectives of the study are to: 1) develop a novel “Rubisco-based noncompetitive immunoassay” for rapid and sensitive microcystin detection; and 2) compare the traditional ELISA kit and higher performance liquid chromatography methods using water samples from two locations (Toledo and Painesville) with the newly developed immunoassay.

- **“Cost-effective Use of Vacant Urban Property for Green Infrastructure Prioritization.” Toledo Metropolitan Area Council of Governments. \$15,000**

The proposed project will prioritize vacant land sites in the Toledo area suitable for various types of green infrastructure using GIS analysis and collaboration with community partners. The project goal is to supplement existing stormwater management efforts and provide a planning tool for property owners and local government while supporting the cost-effective installation of green infrastructure throughout the City. Deliverables include a GIS inventory of suitable sites for green infrastructure and flow chart model for prioritizing lands for green infrastructure, as well as at least one “proof of concept” green infrastructure installation on vacant property that will demonstrate to the community, decision-makers, and funding agencies the feasibility and cost-effectiveness of small-scale green infrastructure.

- **“Residential Riparian Reforestation in the Rocky River.” Rocky River Watershed Council. \$15,000**

This project aids in implementation of the Rocky River Watershed Action Plan. The applicant seeks to incentivize the establishment of vegetated riparian corridors on private residential property in targeted urban/suburban areas of the Rocky River watershed through the use of a reverse auction delivery mechanism. Owners of eligible properties will submit bids indicating the price at which they will allow a vegetated riparian buffer to be installed on their property. Properties will be selected based on bid amounts, from lowest to highest, until the funds are exhausted. It is anticipated that the proposed budget will allow for buffer installation on approximately 32 residential properties (out of ~210 eligible properties) in four targeted subwatersheds. Demonstration sites will be established in each of the four in order to promote the project.

- **“Upper Maumee Watershed Volunteer Water Monitoring.” Defiance Soil and Water Conservation District. \$14,980**

The Defiance SWCD proposes to engage and educate volunteers in local water quality issues in the Upper Maumee River watershed in Defiance County. Additionally, they propose to train volunteers to collect streamside data and water samples in sub watersheds of the Upper Maumee River. Eight sites will be monitored monthly for one year. Volunteers will receive training on two separate occasions, before monitoring begins, and midway through the year to ensure proper protocols are being followed. Report cards on each of the sub watersheds will be produced and utilized as educational outreach tools by Defiance Soil & Water Conservation District staff.

The SFY14 budget for LEPF Small Grants is \$150,000. With approval of the above projects, the remaining balance for the LEPF for SFY14 is \$30,020.

ODA moved the following resolution:

Resolved, that the following Lake Erie Protection Fund grant proposals be funded:

- “Rapid and Sensitive Microcystin Detection.” The Ohio State University. \$15,000
- “Cost-effective Use of Vacant Urban Property for Green Infrastructure Prioritization.” Toledo Metropolitan Area Council of Governments. \$15,000
- “Residential Riparian Reforestation in the Rocky River.” Rocky River Watershed Council. \$15,000
- “Upper Maumee Watershed Volunteer Water Monitoring.” Defiance Soil and Water Conservation District. \$14,980

ODSA seconded the motion.

Discussion:

Paul Toth asked about the TMACOG grant proposal and if the green infrastructure was specifically storm water management. Erin Hazelton answered yes it was. Toth then asked about the Defiance Soil and Water Conservation as to what they are specifically testing. Rian Sallee answered that they will be testing temperature and turbidity. Toth then asked if there would be phosphorus sampling and Sallee responded with yes.

Director Zehringer then asked Dr. Reutter if Sea Grant and OSU would be involved in the Microcystin testing with Jiyong Lee and Reutter responded that Lee will be doing her own testing and has a good lab working at OSU for this.

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

After the vote the chair introduced Dr. Jeff Reutter for a brief report on *Looking Ahead: Implications of 2014 winter conditions on Lake Erie.*

Dr. Reutter stated that Hesse had asked him 6 questions about the pros and cons of the severe winter of 2014. Dr. Reutter talked about the cold temperatures of 2014 winter and the potential impact on the bloom and its effects. Dr. Reutter also discussed the deposition of the phosphorus and the temperatures as well as the diatoms under the ice. The full presentation is available in the OLEC office.

Discussion:

Director Zehringer asked if the diatoms are good or bad. Dr. Reutter explained that out of all the algae they have the most energy and are good for the food web but too much can become a problem and too many diatoms drive away the walleye. Director Butler asked if there is a connection between the ice and the algal bloom with the sunlight in winter and the light penetration. Dr. Reutter explained that with cloudy ice or clear ice, there are other conditions that drive the blooms including temperature.

Director Zehringer asked if there is any research being done to see what is releasing the phosphorus in the soil and if there is anyone doing a survey to see what's happening. Dr. Reutter explained that soil pH and sulfur concentrations are likely to be the cause. As the pH increases, solubility increases. Gypsum can be a positive application for this. Adding lime will release phosphorus without adding it to the soil. Acidity of the rain will also determine the pH of the soil.

Next on the agenda was a report from Executive Director Hesse and Sandra Kosek-Sills on the Balanced Growth Program. The report focused on the following items:

- Balanced Growth Planning
- Local Implementation Activities
- Brandywine Creek Balanced Growth Plan

Hesse and Kosek-Sills discussed the Planning Framework for Balanced Growth Watershed plans as well as the Best Local Land Use Practices resources for communities. For more than two years, a blue ribbon task force of experts representing an array of stakeholder groups met to develop Ohio's Balanced Growth program. They produced two documents; a Planning Framework and Best Local Land Use Practices reference guide. A Watershed Balanced Growth Plan is a framework for coordinated, regional decision-making about how growth and conservation can be promoted by local and state policies and investments in local watersheds. The Watershed Balanced Growth Plan addresses both economic development and water resource protection, and is meant to augment and harmonize with local comprehensive plans. The process is voluntary, and the state offers incentives for participation and successful adoption of the Plans at the local level.

The Plans are developed locally and presented to the local governing bodies with land use decision making authority and, if adopted by a significant majority of local governments via resolutions of support, are then presented to the state for review and endorsement. After endorsement, the participating local jurisdictions are eligible for state incentives.

Brandywine Creek Watershed Balanced Growth Plan**Background**

The Brandywine Creek Watershed Balanced Growth Plan has substantially met the thresholds for endorsement by the Ohio Lake Erie Commission. The Plan has been reviewed by program staff and the State Assistance Work Group (personnel from the member agencies of the Commission). The Plan has been prepared in accordance with program requirements and is recommended for endorsement.

A Watershed Balanced Growth Plan is a planning framework for regional decision-making for promotion of growth and conservation priorities in local watersheds. A Watershed Balanced Growth Plan addresses both economic development and water resource protection and is meant to align with local comprehensive plans. The process is voluntary for the local jurisdictions that choose to participate, and the state offers incentives for participation. Once completed locally, Plans are presented to the local governing bodies with land use decision making authority. If adopted by a significant majority of local governments via resolution of support, plans are presented to the state for review and endorsement. After endorsement, the participating local jurisdictions will be eligible for state incentives.

Brandywine Creek is located in Northeast Ohio's Summit County. From its headwaters in Hudson it flows westward and joins the Cuyahoga River in Sagamore Hills within the Cuyahoga Valley National Park. This watershed is experiencing urbanization. Some of the region's busiest transportation routes pass through the Brandywine Creek watershed, including the Route 8/I-271/1-80 (turnpike) corridors. The watershed is also home to many wetlands.

There are six significant local communities in the watershed: Boston Heights*, Hudson*, Macedonia*, Northfield Center Township, Sagamore Hills Township and Twinsburg Township*. There are currently twelve state endorsed Watershed Balanced Growth Plans, seven in the Lake Erie watershed and five in the Ohio River Watershed. (* indicates communities that have passed resolutions of support for the plan.)

ODA moved the following resolution:

Resolved, that the Commission hereby endorses the Brandywine Creek Watershed Balanced Growth Plan, making the communities who have passed resolutions in support of these plans eligible for the state incentives package for Balanced Growth. Paul Toth seconded the motion.

Discussion:

Director Zehringer asked what would be a reason of nonsupport by the public. Kosek-Sills responded that occasionally a few people are concerned that the State is involved and it's somehow not voluntary, despite reassurances to the contrary. Paul Toth commented that TMACOG was involved with the Swan Creek project and has been pleased with the outcomes. Reforestation is happening along part of 75 feet of the creek. Sandra Kosek-Sills added that the Balanced Growth Program is trying to prevent watershed damage rather than be remedial. Director Butler then asked what measures of success are there for water quality and is it documented? Kosek-Sills stated that there are indicators identified. However, it is difficult to measure changes in water quality as a result of land use due to the long term nature of local land use decisions. Unlike habitat restoration projects, land use decisions such as adoption of a local code will take a long time before changes are discernible on the landscape. Hesse also added that we ask for annual reports from the Balanced Growth Watershed Partnerships to keep us apprised of local implementation activities. The storm water impact is the biggest impact. Locally there might be decreased flooding and improved hydrology. Sadicka White, ODSA, mentioned that there are opportunities for funds to help on collaborative projects. The Government Innovation Fund provides up to \$50,000 for projects and up to \$500,000 for implementation. Small communities who don't have plans can collaborate with larger communities. Director Butler asked if the monies offered are at a reduced rate. Erin Hazelton stated the interest rate is 0%. Director Zehringer asked if there is a community need for a land use program and whose job is it to let people know? Kosek-Sills stated it is OWRC and OLEC

who let them know. Paul Toth stated that Swan Creek took watershed and community plans to identify how to turn it into a large plan. William Murdock of MORPC said they work to make communities aware of what to do with planning after they identify their needs.

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

Hesse and Kosek-Sills then introduced Kirby Date of Cleveland State University to discuss the Best Local Land Use Practices component of the Ohio Balanced Growth Program.

Kirby Date, Cleveland State University, gave an overview of the Best Local Land Use Practices and the next steps for the program. Date emphasized that local government decisions make a difference. Best Practices goals are to get primary audiences with local governments (elected and staff), development community (developers-engineers-real estate-business), landowners and the public, and watershed/conservation professionals. Program outreach is being implemented as well with technical assistance, education, and resources.

Hesse said at the June meeting there will be an action item to come before the Commission for the \$50,000 expenditures for Balanced Growth budgeted for SFY14. The purpose of the briefing at this meeting is to provide the program context since we will have limited time at the June meeting.

Paul Toth asked if the technical assistance goes beyond general assistance. Date stated that it includes everything from planning to engineering assistance. They also direct people where to go for further resources and can provide an independent review for local documents such as RFPs for contractual work and draft codes.

Date concluded her remarks and Hesse provided the Ohio Lake Erie Commission office update.

Ohio Lake Erie Commission Office Updates

Hesse welcomed Director Butler to the Commission and introduced the office staff. She then went on to discuss the audit conducted by the Auditor of State and the management letter. The management letter referred to two invoices that were paid without an approval signature from the executive director. Hesse mentioned that these bills are sent to Ohio EPA and that staff were improving the internal procedures. Hesse also mentioned the following items:

- Great Lakes Restoration Initiative- Coordinated Science Monitoring Initiative (CSMI) Grant – the Quality Assurance Project Plan (QAPP) has been submitted to USEPA for their review. QAPPs are required for all USEPA grants that involve data collection.
- GLWQA Annex 4 Workgroup – the workgroup held its first meeting in Ann Arbor last month. A white paper is being developed.
- 2014 *Life on Lake Erie* Photo Contest – contest has been advertised and will now open up for submissions.
- Highlights of closed LEPF grant projects –
 - Griswold Creek Watershed Restoration Plan, Chagrin River Watershed Partners, Inc.
 - Severe erosion in a coldwater stream
 - Plan identified the following needs:

- Build up the streambed to its former elevation to reconnect it with its floodplain
- Promote stormwater storage in the existing riparian wetland
- Stabilize streambank with several techniques including floodplain expansion
- Plan will be used to assist property owners in developing projects
- Green Stormwater Infrastructure, University of Toledo
 - Quantified and communicated benefits of green stormwater infrastructure
 - Project activities included:
 - Characterizing stormwater inputs at The University of Toledo (UT)
 - Analyzing green stormwater infrastructure alternatives
 - Developing a green stormwater infrastructure projects list for implementation at UT
 - Communicating findings to and collaborating with local and regional stakeholders
 - Resulted in the funding of two projects in 2013

Director Zehringer asked about the marketing efforts for the plates. Rian Sallee responded that OLEC is working with ODNR to obtain information about their mailing inserts. The staff is not convinced that there is enough information about results to warrant the significant cost for mailing inserts. OLEC is exploring other ideas such as rack card development for direct donations.

Agency Reports:

Tim Hill, ODOT: Reintroduced himself as the new ODOT designee and is excited to be back and part of the Commission.

Tim Adams, ODH: Introduced himself as the temporary designee for Gene Phillips. Right now ODH is going through their first round of comments to the new sewage rules. The responses from ODH are in review. The bacteria beach monitoring program activities are gearing up to begin on Memorial Day and ending on Labor Day.

James Zehringer, ODNR: Very excited about \$10 million dollar funding proposed by Senator Gardner toward alternative sites for dredging materials. Director Zehringer acknowledged Karl Gebhardt and his work with Senator Gardner on this funding. There is a round table discussion with the Ohio Ag Association. Water quality is the #1 issue.

Commission Chair and Director, Craig Butler, OEPA: Introduced himself and is pleased to be part of the commission. Butler stated that decisions are to be made about impending certifications for proposed open lake placement of dredged material. Ohio EPA has been very upfront with USACE. OEPA is actively working on a decision to benefit all. Ohio EPA is working on ideas on how to find productive uses for dredged material and associated water quality benefits.

John Schlichter, ODA: SB 150 will establish a fertilizer applicator certification program in Ohio, implementation preparation is underway. ODA is now dealing with program transfer issues for manure. ODNR will no longer be doing the work for the smaller facilities. The Farm Bill is

currently coming through and ODA is trying to see how it will affect Ohio and farmland preservation.

Sadicka White, ODSA: Local government funding sources are available for communities and activities, as discussed during Balanced Growth resolution.

Advisory Group Reports:

OSU Sea Grant Program- Dr. Jeff Reutter – Just finished up awarding student grants for the summer to work at OSU. 22 college scholarships awarded, 25 scholarships awarded to high school students. 15 state science day scholarships awarded and 10 research projects funded with other universities. 2014 – July 10th will be the Harmful Algal Bloom forecast. April 11-13th will be work day at Stone Lab. Summer session will run from June 15- August 9. Lots of workshops will be offered this year. Open House is Sept. 6. Guest lectures series start on June 19 and run through August 7.

Natural Resources Conservation Service – Michelle Lohstroh – A campaign for water control structures and management is going on. The importance of this is for drainage for control. New Farm Bill will have an impact of Ohio with easements and purchase. Impact = Great Lakes Program dollars removed. Regional Partners program is forming a proposal for grant process for a National and Statewide program.

Northeast Ohio Area Wide Coordinating Agency –Pam Davis – Continued work with Grand River partnerships – Painesville/Fairport Harbor. Great Lakes intake concerns – need collaboration. Stormwater issues with EPA MS4 permit. Focused on permittees and the legal obligations for their permit. 2014 Summer – Lorain County watershed will be updating their sewage rules on Chapter 5. Electronic data is needed from agencies.

Toledo Metropolitan Area Council of Governments –not in attendance

PUBLIC COMMENT PERIOD – The Fairport Harbor Port Authority submitted a letter to the Commission via Harry Allen, offering a 65,000 square foot research center for state development/ use to further the understanding of the Lake Erie ecosystem. Site assets include available land, water access and a lab facility. Support letters from Representative John M. Rogers and Mark Rantala with the Lake County Port and Economic Development Authority were appended to the letter from the Fairport Harbor Port Authority. The letters were distributed at the meeting and will be on file at the commission office.

The City of Hudson also submitted a letter thanking the Commission for the endorsement of their Balanced Growth Watershed Plan and expressing their commitment to work towards the objectives in the Plan.

Director Butler adjourned the meeting at 12:05 p.m.

Powerpoint presentation slides used at this meeting are on file at the Ohio Lake Erie Commission Office.

NOTE: Next Lake Erie Commission Meeting: **Monday, June 16, 2014**, 1:00 p.m. aboard the Lake Guardian research vessel in the Port of Cleveland.