

OHIO LAKE ERIE COMMISSION MEETING
Maumee Bay State Park, Toledo, Ohio
March 30, 2015 – 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 10:15 a.m.

Commission Members Present:

James Zehringer, Ohio Department of Natural Resources (ODNR)
Craig Butler, Director, Ohio Environmental Protection Agency (Ohio EPA)
Rebecca Fugitt, Director's Designee, Ohio Department of Health (ODH)
John Schlichter, Director's Designee, Ohio Department of Agriculture (ODA)
Tim Hill, Director's Designee, Ohio Department of Transportation (ODOT)
Karen Fabiano, Director's Designee, Ohio Development Services Agency (ODSA)
Harry Allen, Great Lakes Power Group, Chairman (by phone)
J. Kevin Cogan, JonesDay, Of Counsel
Paul Toth, Jr., Toledo-Lucas County Port Authority, President/CEO
William Murdock, MORPC, Executive Director (by phone) (departs ~10:45)

Staff Present:

Karl Gebhardt, Ohio EPA
Leanne Greenlee, Ohio EPA
Sandra Kosek-Sills, OLEC

(16 observers)

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

Welcome and meeting introduction with a brief overview of the agenda. There will be an update on the Commission and build on the discussion from the previous meeting. The heart of the meeting will be about the roll-out and consideration of the Lake Erie Protection and Restoration Agenda. Per discussions at the last meeting, plans for the Lake Erie Protection Fund have been revised and the request for proposals for grants, Sandra to discuss later. A change to the agenda was made, Ray Pettering with ODNR was no longer able to make the meeting with the Fish Update, in his place, there are some announcements that can be made in relation to harmful algal blooms. The first part of this would be in relation to the mid-biennium review, second the recreational aspect with Ohio EPA and ODNR collaborating on, and third the roll-out of rules to drinking water systems in the event of a harmful algae bloom.

Butler asked for any questions on the agenda, there were no questions.

Allen moved the following resolution:

Resolved, that the Commission approves the meeting minutes for February 2, 2016.

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

Ohio Lake Erie Commission Office Update

Gebhardt gave the office update.

We have been working a lot on the Lake Erie Protection and Restoration Plan (LEPRP) help of Sandra Kosek-Sills, which will be discussed later. We are still currently working on the Western Lake Erie Basin Collaborative Implementation Strategy (Collaborative), some has been incorporated into the LEPRP as well. We have not made any changes into staffing or location, however, Sandra is working out of the Ohio EPA's Northwest District Office in Bowling Green. The photo contest is on tour in various locations in the state and will be on display at the Statehouse in June. We have primarily been working on the LEPRP and Collaborative.

Butler Where are we with the Collaborative? Where is Michigan? Ontario? Planning process and timeline?

Gebhardt Michigan's plan is out with changes in the state of Michigan and their water quality program. There are talks of updating/revising, there has been some criticism that there were not enough specifics. We had hoped to have Ohio's out by now, USEPA had some issues and USGS is also having an announcement, so we are still in the process of working it out and need input from ODA on the non-point side. The plan is to release it the early April, will go out for public comment, possibly a meeting of two, be posted on the web with the final out by mid to late April / early May. The Collaborative will be targeting watersheds, aggressive monitoring program, accountability and effectiveness. Ontario looking at late summer/early fall. Continued talks with them, they have not had a very aggressive monitoring plan in the past. Domestic Action Plans are due by 2018. USEPA Administrator McCarthy has formalized the target reductions under GLWQA with 40% reduction as the official rule.

Butler The PowerPoint slide talks about the Great Lakes Protection Fund.

Gebhardt We have received our allocation, which is about 17% of the fund, for this year from the Great Lakes Protection Fund. We received 30% less money this year, \$198,000. The amount is market driven. Fortunately, we have lower overhead this year but need to evaluate where we are for the future. We still have the office until the end of June. We will still have a Lake Erie Office; we are not doing away with the Office or the Commission. On the staffing side, that is something that will be driven by the plan. Looking for a communications person and a technical person more on the Eastern side. Funding is not a huge issue, we want to make sure we are not just to filling a position to fill a position.

- Kosek-Sills The reinstated Toledo Harbor Plate is now on sale. Update on the Lake Erie Protection Fund and license plate sales. The plate sales are still declining, but rate has slowed. About \$188,000 came in in calendar year 2015. About \$700 has come in through direct donations through our PayPal, which is higher than normal. Also, the Life on Lake Erie Photo Display is currently on display at the Nature Center at Maumee Bay.
- Gebhardt Another thing on the Great Lakes Protection Fund, we have primarily used it more operating use of fund and now to direct more money into program issues, marketing of license plate and OLEC. How do we engage people to feel part of Lake Erie that didn't fit into a category?
- Zehringer Where is Indiana for the Collaborative?
- Gebhardt Still working with Indiana for the overall reduction strategy, might be looking at it for consideration, but they didn't sign on.
- Butler Next meeting can we put together a financial outlook?
Program Direction is next, at this point going to ask Karl to discuss our Mid Biennium Budget Review (MBR). At the last meeting during the facilitated discussion, it came up that we need to look at code, priorities, changes/updates in code programmatically. Ohio EPA has one to roll-out tomorrow on lead, and a second one relates to OLEC.

Program Direction

- Gebhardt A lot of this was housekeeping and update. There were a few things added based on conversations that have already been had. We have two members of the Great Lakes Protection Fund Board from Ohio appointed by the Governor, Dan Moore from Cleveland area and Richard Hylant from Toledo. They sit on the board that determines money direction, how much comes back to the states, and projects to fund in the region. There really has not been a connection between the Commission and those members. One suggestion is to have those board members from Ohio serve as ex officio members of OLEC to help connect the two. There has been conversation with Hylant and he feels it's well worth while and look forward to it.
- We talked about the terms for the Commission members, clarify the terms for the Commission members, how many times you can be appointed to serve, provide consistency and lower turn-over. It allows for the creation of advisory committees that may be needed in the future, and a mechanism on how to get rid of them when they are not needed. Allows for public members to submit for expenses for meetings. Changes the name of the Lake Erie Agenda to the Lake Erie Protection and Restoration Plan. It also adds the mission of the Commission, a couple other important

components of that is the communications and outreach, as well as establishing a formal marketing program for the Lake Erie License Plate, and also serving as the clearing house of information. When you think of Lake Erie, the Commission should be the point person, point agency, and clearing house of information.

It is an update, looking at a different direction, shows we are more action oriented. The plan is to eventually get this in and could be on a rather fast track. We will send out the language once it is available. If anyone has ideas of suggestions, please let us know.

Butler One addition, we do not know exactly when it will be submitted/introduced. When it is introduced, we will want to engage the members and go out to the public for support and communication plan.

Lake Erie Protection & Restoration Plan Discussion

Gebhardt Draft copies were provided in the briefing book. This is something that is required by statute that the Commission do. Keeping in mind what is the Commission, it is a compilation of state agencies and five public members. While there will be programs and areas that the Commission itself will do, a lot of the work will get done through this plan will be done by the agencies to avoid duplication. We took the document down from 88 pages to 18 pages. The draft copy does not include the action steps. The plan going forward with the blessing of the Commission, we will take this and out it out for public comment over a 30-day period, take the comments and formulate those. Then will get the document back out to the Commission members for final approval. Then with Sandra, we will work with each of the state agencies to creating/developing the action steps under the priority areas. The idea is it is better for the Commission to focus a little higher and broader on the goals and objectives and work through the agencies for the implementation. We also modified some of the subjects and priority areas, identified some areas that Commission may need to be a little more involved in. Hoping to approve as a draft today. There is also a handout on some changes and additions. We can start on core priorities

Butler We spent as a board a good deal of time at the facilitated discussion and our last quarterly meeting talking about taking the agenda document, rearranging it into this plan and becoming a driving document. Maybe we start the discussion on what are your general thoughts. Are we heading in the right direction? At the highest level, was this what you were expecting?

Zehringer ODNR has reviewed it and got back with Karl. We're looking for explanations, suggestions on funding. It is all in the right direction and needed to be done.

- Allen: Excellent, but what about influence on our neighbors? We should seek other opinions and look for an endorsement from the Great Lakes Commission. If this is done well, it will become the standard.
- Murdock Impressed with the work that has been done and Allen has good points.
- Hill Good direction, do you have a time frame for the state agencies as to what you are looking for in the action areas?
- Gebhardt It is going to be an ongoing process, a lot of these are probably already in place. Some of these are going to be in the development stage. Hoping to have this approved by June and then can move into what steps are in place and what steps need to be developed. This is kind of a living, breathing document going forward.
- Toth Is it our intent to update this document every two years?
- Gebhardt Yes.
- Toth It shouldn't change dramatically; the priorities should remain constant. The old version of the plan had too many actions steps with no focus or ability to put enough effort behind one of them to make a difference. I would caution for getting too many action steps in there when finalizing. Great to have an update as to the priority area at each meeting and have that drive our agendas.
- Gebhardt This should be the focus of a lot of our meetings, updating of actions.
- Toth Under the community relations and education are of the plan, the only thing saw missing was the data repository of all the information and studies. Would like to make sure the clearing house piece is added.
- Allen: Didn't we discuss Ohio Sea Grants (OSG) being the keeper of all this?
- Gebhardt Yes, we had met with Chris Winslow and Jeff Reutter of OSG and there is definitely interest in coordination of research projects and funding. On the research side, they are the keeper of the data and is accessible to the Commission.
- Allen Is OSG the most capable entity to evaluate it?
- Winslow We have research lists but do not have the data directly, but can link it. Would like to have a reference as the site. Explained process of how to locate data.

- Cogan Would like to commend the team, big improvement. Are the priorities equal? Need to create benchmarks for success? How do we know as a Commission and how does the public know we are succeeding?
- Butler This would be a good discussion to have about these core priorities and where we need to invest efforts in. Document to be reviewed every couple years, identified where the core priorities are and then the basic strategy. It is really a starting point for us to develop what the strategic plan is for each priority with measurement tools. We need to be able to measure what and how we are doing and communicate the results.
- Schlichter Reducing the document is good, has a lot of good parts. Need to be careful with the action steps, don't let the document get too long. Ok to move forward with it and see what the public comments say.
- Allen (Directed towards Cogan) Agrees on measurable with the priorities.
- Cogan I don't know how else you would measure success with the goals. We start down a path and years later, we aren't able to deliver results, that would tell others we need to modify the strategy.
- Toth Some of objectives are already set for us, such as the Annex 4 and dismissal of open lake dredging by 2020.
- Butler (Directed to Cogan) My thought is that each priority is to have its own action plan behind it. It can change over time as the document is updated and revised.
- Cogan The plan stays intact, the public can look at. Objectives may change over time, but for keeping the document short and having benchmarks. Have the agencies put together the steps to achieving the priorities.
- Gebhardt An example would be under page 8 on Invasive Species, ODNR has a plan in place and would work with them on what they are already doing and what we can do to help. It is important to work through the agencies to get these done.
- Schlichter With the action items changing more frequently, do not make them part of this document. Have these items added on as an annual report on what they are and the progress in each priority area.
- Gebhardt This might be a good item for public comment and what are priorities.
Lake Erie Protection and Restoration Plan Overview

Nutrient Pollution Reduction

- Gebhardt Gives overview of section

Cogan As part of the nutrient reduction, are we also going to encourage restoration of wetlands? Or could that be a standalone item?

Toth It is under the Habitat Section

Dredged Material Beneficial Use and Management

Gebhardt Gives overview of section and introduces Pam Allen with the Ohio EPA. She has been working with Paul Toth and others on the dredged material program in Ohio. Referenced the May 11th Dredged Material Workshop.

Toth We have a request for proposal on beneficial use, but limited to public agencies and universities. Is there a reason it is limited?

Gebhardt Need to look into the use of public money to private ventures.

Invasive Species

Gebhardt Gives overview of section. Notes this is an issue with all Great Lakes, not just Lake Erie. Need to monitor and control

Butler Eastern Basin, Ontario, what are the invasive species? Need to add comprehensive list of these species.

Designated Areas of Concern

Gebhardt Gives overview of section including federal drives and reference to John Hull with Hull & Associates

Toth From a knowledge standpoint, would love a presentation at one of the quarterly meetings and possible support activities and what the Commission could do to support.

Butler These are complex issues with many moving parts and takes a long time. How do you get public support and get it to drive it?

Toxic Pollutants

Gebhardt Gives overview of section.

Butler Would we have any specific reference to GLRI money?

Gebhardt (Directed to Fabiano) Any brownfield money available?

Fabiano Yes.

Toth Federal money is mostly for assessment and very little for cleanup.

Habitat and Species

Gebhardt Gives overview of section.

Butler How about creation?

Gebhardt We can add it.

Butler A possible use for dredged material.

Monitoring and Measuring

Gebhardt Gives overview of section.

Kosek-Sills In the past, we have had a state of lake report that looked at a whole range of factors such as ecological factors, economic factors, and public perception factors. The last iteration of that was published in 2004, intended to do in 2014. A lot of the data was collected but has not brought it back to the Commission with all the changes. It has been the mechanism in the past for tracking measurements; a lot of the tracking has been done at various agencies and pulls it together.

Gebhardt Last year a survey was done on HAB's in Travel & Tourism; need a more formal review with Travel & Tourism.

Butler On the monitoring side, you have been spending part of the Collaborative and part of the Annex 4 and needed work about having the monitoring network in place to collect data throughout the watershed and meet the targets. Should we acknowledge in the Plan? Have coordination among state agencies and other states? Try and show some consistency about how, where and when we are going to monitor and protocols.

Allen On the communications side, the Lake Erie Trade Association sends out news clips almost daily. One common blog is about the OSU monitoring program using volunteers doing work and had a very positive reception.

Gebhardt We also have the Charter Boat Captains engaged in taking samples out on the Lake.

Toth Suggest instead of Priority Area Monitoring and Measuring, call it just Monitoring and Measuring. One of the most important areas of the document and consider funding to support.

Butler The Collaborative is data driven based on the monitoring network we have and the monitoring network we need to get in place. Data will drive everything we do, such as priority areas and priority projects.

Water Withdrawals

Gebhardt Gives overview of section, this falls under the Great Lakes Compact and is currently being administered by ODNR.

Toth Has there been any proposed projects that would trigger a review of this issue in Ohio?

Gebhardt Not in Ohio or Lake Erie.

Travel, Tourism, Jobs, and the Economy

Gebhardt Gives overview of section.

Toth Editorial comment, met with Lucas County Commissioners and had a discussion on Western Lake Erie designation and we all need to figure out how to get on the same page. Maybe have the Commission step in.

Beaches and Recreational Use

Gebhardt Gives overview of section.

Community Relations and Education

Gebhardt Gives overview of section.

Kosek-Sills We currently have Twitter, YouTube, and Facebook as social media tools.

Lake Erie Funding

Gebhardt Gives overview of section and provides revised section via handout.

Butler This has no impact or consideration of private dollars?

Gebhardt Correct or federal resources.

Zehringer (To Schlichter) Is this something you feel comfortable with?

Schlichter Yes, we are asking people to do this not requiring. We are trying to build partnerships with these groups.

Butler Make sure we are not funding the same things at the same time.

Schlichter There could be a challenge to this, and we need to consider the staffing of the Commission.

Gebhardt Need to sit down with federal agencies and come to some consensus as to what are the priorities of Ohio and what are their priorities for grants and funding. Encourage money and seek as much money as we can into the Basin.

Is everyone ok with the process moving forward?

Schlichter moved to the following resolution:

Resolved, that the Commission Type up something. Zehringer seconded the motion. The Commission members voted all in favor and the motion carried.

Zehringer You mentioned earlier, you see sub groups. Do you see ODNR giving an update on invasive species the next time we meet or water withdrawals?

Gebhardt I think that is definitely something we need to build our agenda with.

Butler Public comment to be done through Ohio EPA's Public Interest Center

Gebhardt Yes, formal announcement from OLEC, mailing list, linked to all sites. Also have a place where people can provide their comments.

Lake Erie Protection Fund RFP

Kosek-Sills (Slideshow accompanies presentation) We have suspended the past two grant cycles due to short staffing. One grant was funded this year and recommending that we move forward with a grant cycle this quarter. We currently have \$185,000 balance in the LEPF. There are two requests for proposals, one related to nutrient reduction and one related to dredged sediment management for \$30,000 each. Gave brief overview of the RFP's, pushed the deadline back on the dredged material RFP until after the Dredged Material Workshop. Grants approved in June in we go forward.

Hill Question on the dredged material RFP, is \$30,000 enough? Not sure it is due to the testing issues. Would it be beneficial to double this amount to help tackle some of the issues?

Allen Could there be open-ended grants? Determine amount by merit?

Toth Against the open-ended grants based on experience, would need a cap on the amount.

Schlichter Could we raise the match rate on the dredged one?

Toth Can it carryover if we do not like any of the RFP's?

Kosek-Sills Yes, we can, but we also want to move forward with the money.

Zehringer For Toth's idea, if we do not receive one we like, carryover to the next quarter.

Butler We do not want to lose site on the importance of some of these grants, especially some of the smaller grants.

- Winslow Discussed the benefits of the small grants versus larger grants, agrees there needs to be a cap on the RFP's, but maybe say the maximum amount could be spread among multiple projects and not one.
- Cogan Good projects, in connection with the beneficial use RFP's, encourage a representative to look at a previously closed grant.
- Allen Should narrow the scope of the nutrient reduction RFP.
- Butler Not sure we could narrow the scope.
- Kosek-Sills We would limit the possibility of good applications because we cannot anticipate what a research may submit.
- Gebhardt (To Allen) We did focus on the four priority watersheds that were established two years ago in conjunction with USEPA to start implementing focused conservations practices. There has been some focusing, more geographically. There are activities already going in there and funding. There is baseline data and an ongoing monitoring program that can be used to make connections between effectiveness of actions and improvements in water quality.
- Allen In one of the article from the Lake Erie Trade Association, there is a plethora of information, thought maybe we could narrow the request and at the end of the grant we could say we moved ahead and are in a better place than before.
- Butler These are draft documents and should poll the group on increasing the amount of the grants.
- Toth We could combine the amounts and cap the number of grants funded.
- Butler No more than two awards with a \$60,000 maximum. If so, we need to take an action.

Toth moved to the following resolution:

Resolved, that the Commission to proceed with the fourth quarter grant cycle, fund no more than two projects with a \$60,000 maximum awarded. Hill seconded the motion. The Commission members voted all in favor and the motion carried.

- Kosek-Sills (Slideshow accompanies presentation) Discussed the recently closed grants.

Water Monitoring Fact Sheet

Kosek-Sills (Handout accompanies presentation) Discussed the Water Monitoring Fact Sheet and how to is created. This is a model tool for the Commission to use to present the results of the water quality monitoring being conducted by Ohio EPA, USGS, and Heidelberg University with the support of ODNR. This version uses 2014 data; the 2015 data are in process.

(Noon) Toth departs

Life on Lake Erie Photo Contest

Gebhardt It is a popular activity that we are engaged in and want to continue with a purpose in mind. Had a conversation with Larry Fletcher at Travel & Tourism and talked about how we can coordinate this program and utilize the photos. We are moving forward with contest, but with a new structure and an end result in mind after this year.

Agency Reports

Craig Butler, Ohio EPA – Introduced Pam Allen, the lead person on the Dredged Material Workshop in May. Passing of Senate Bill 1 has caused a need to look at dredged material and how to solve the problem. Pam discussed the purpose of the Digging Up Ideas workshop. This is not just an informational workshop, but determining what are the barriers and opportunities. Looking for experts in all different areas and will be held at Lorain County Community College. Ohio EPA is still in a battle with the USACE in Cleveland, issued a Water Quality Certification to dredge the six miles of Cleveland but no open lake disposal. Same as path as last year is anticipated and most likely have to file a court action in federal court.

James Zehringer, ODNR – Buckeye Lake dam is being fixed and assembling a de-watering system for the material that comes out of the lake and makes it truckable. It should be operational in April. On the capital improvement projects, North Bass should have mooring opportunities for kayakers by Memorial Day and new primitive campsites. On Middle Bass Island, the Lonez Winery should be open early 2017, continued improvements. With the MBR, combining the Division of Parks and Division of Watercraft. Will reduce response time with water related issues. Ohio has the only standalone division of watercraft in the US. Expected to save one million from this merger that can then be used for improvements around the state.

Karen Fabiano, ODSA – New programs, the safety grants program has received hundreds of applications for assistance for fire stations, etc. Launched the abandoned gas station program and just started getting applications for that. Should see a lot more activity in the next month. Big item, just launched the new tourism campaign, ads are

starting to appear on TV. New branding and more regional approach with “Ohio Find It Here”

Tim Hill, ODOT – Continuing with dredged material, partnering with Kent State on converting the material into a lightweight aggregate and possible use in highways. Study starts in a year.

Rebecca Fuggit, ODH – Continuing to implement monitoring of beaches with Health Districts, bacteria monitoring starting up, updating signs and web interface. Looking at the sewage programs with implementation work and the local Health Departments. Applied to the CDC for a public health associates, passed the first part and should be getting a graduate to help run the program. ODNR, Ohio EPA and ODH have been working on revising the HABs program response strategy for recreational waters. All key areas are covered, new actions, redefined responsibilities to avoid duplication. Providing good information back to the health departments. Better defined roles and responsibilities for monitoring. Minor changes to the advisory postings, watch and warning. Changed strategy for warning, medical diagnosis too difficult to match so using cell counts instead. Working on remote sensing capabilities.

John Schlichter, ODA – The Soil & Water transfer from ODNR is complete. NRCS announced Monday an additional \$41 million in funding for the Western Basin of Lake Erie, three years to put into place. A lot of work to do to get the money out. Senate Bill 1 ruling regarding spreading of manure and fertilizer on frozen ground, not much frozen ground this winter; there was one incident for enforcement. Starting outreach and visiting farmers to look into fertilizer certifications effectiveness. Should have 11,000 producers certified by end of spring.

Agency Partner Reports

OSU Sea Grant Program (Dr. Chris Winslow)– July 7 will be the official NOAA HAB forecast at Stone Lab. Higher education annual report of the research coming out very soon. US algae conference May 10-11 at the University of Akron where Sea Grants will have a presence. Been invited to the USEPA Region 5 HABs workshop in Chicago. Presented talks in Fort Wayne – two to Amish communities, one to Ft Wayne Commissioners, one to public. Well received and had some press. Received a contract to sample for wind turbines in Michigan. Currently funding 14 projects. Given out a lot of scholarships, \$80,000. Ramping up at the island for the summer season.

Natural Resources Conservation Service (TaTrecia Davis) – New employee. Launched \$41 million for WLEB, area includes Indiana, Michigan, and Ohio. Working on current allocations. Will eventually total \$77 million over three years.

Northeast Ohio Area Wide Coordinating Agency – No report

Toledo Metropolitan Area Council of Governments (Kurt Erichsen)– Refurbished water quality program starting last year; new committees. Raise awareness and

engagement of elected officials in TMACOG service area. Increase involvement, take more of an advocacy role than in the past. Looking at how we can get to a nine element action plan, SWAP was not a good fit since upstream communities are influencing the water quality. Have an opening for watershed planning since Matt Horvat's departure. President will be retiring.

Public Comment

Theresa Lane (as a citizen) – Question on nutrient reduction target, where does manure fall?

Gebhardt It is a nutrient, non-point source.

Lane What is the priority order?

Gebhardt We are doing a mass balance study that will distribute amounts by source.

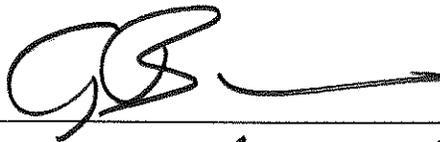
Ron Wyss (LEIA) – Appreciate what's going on. Effort to make reductions efficiently. (reads statement – asking for impairment designation and to include CWA requirements into GLWQA; concerns about CAFO animal numbers, including chickens)

Dave Spangler (Charter Boat Captains) – Thank you for all your efforts. Starting sampling soon. Fish related businesses took a beating last year, not just the boats but also the related businesses. Understand it can't be fixed immediately but please keep us in mind, can't hold out like this forever.

Director Butler adjourned the meeting at 12:56 p.m.

NOTE: Next Ohio Lake Erie Commission Meeting: June 22, 2016, Central Lake Erie area.

Signature of Chair:



Date:

6-22-16