

OHIO LAKE ERIE COMMISSION MEETING
Liberty Aviation Museum, Port Clinton, Ohio
September 19, 2012 at 10:00 a.m.

Call to Order and Roll Call –James Zehringer, Director, ODNR and Commission Chair

The Ohio Lake Erie Commission (OLEC) meeting was called to order by Commission Chairman, ODNR Director James Zehringer at 10:00 a.m.

Commission Members Present:

James Zehringer, Director, Ohio Department of Natural Resources (ODNR)
Denise Franz-King, Director's Designee, Ohio Department of Agriculture (ODA)
Laura Factor, Assistant Director, Ohio Environmental Protection Agency (OEPA)
William Murdock, Director's Designee, Ohio Department of Development (ODOD)
Myron Pakush, Director's Designee, Ohio Department of Transportation (ODOT)
Gene Phillips, Director's Designee, Ohio Department of Health (ODH)

Staff Present:

Gail Hesse, Executive Director, Ohio Lake Erie Commission (OLEC)
Sandra Kosek-Sills, Ohio Lake Erie Commission (OLEC)
Rian Sallee, Ohio Lake Erie Commission (OLEC)
Heidi Rife, Ohio Lake Erie Commission (OLEC)
Steve Holland, Ohio Department of Natural Resources (ODNR)

Welcome and Agenda Overview: James Zehringer, Director, ODNR, and OLEC Chairman

ODH introduced the motion to approve 2012 Ohio Lake Erie Individual Award Dr. David Klarer and 2012 Ohio Lake Erie Organization Award to Lake Erie Charter Boat Association. The motion was seconded by ODA.

The motion passed unanimously.

Director Zehringer presented the awards to Dr. David Klarer and Rick Unger (on behalf of the Lake Erie Charter Boat Association). Each recipient made a few comments about their work and appreciation for the award.

Presentation of 2012 Ohio Lake Erie Awards

Director Zehringer presented a certificate to each of the 2012 Life on Lake Erie photo contest award recipients that were present and invited each to say a few words about the moment they took their photograph.

BUSINESS MEETING

Chairman's Report James Zehringer, Commission Chair:

The first action before the Commission today:

Approval of June 6, 2012 OLEC Meeting Minutes

A motion was made by William Murdock, ODOD and seconded by Myron Pakush, ODOT to approve the June 6, 2012 OLEC minutes as written. No discussion was offered. The commission members voted all in favor and the motion carried.

**Lake Erie Protection Fund
Grants Committee Report, Steve Holland, Committee Chair, ODNR**

Holland presented the following projects and provided the summary for each project recommended for funding:

Summaries:

- **441-13 Green Storm Water Infrastructure**
 - ***Cyndee Gruden, University of Toledo, \$15,000***
 - Quantify the benefits of implementing green storm water infrastructure at the University of Toledo
 - Results will include a proposed capital projects list for storm water retrofit opportunities, as well as a model approach for other institutions

- **443-13 Griswold Creek Watershed Project Restoration Plan**
 - ***James Mueller, Russell Township, \$15,000***
 - Survey stream cross sections to assess stream down cutting and bank erosion sites
 - Project will promote the implementation of stable stream channel characteristics and provide sustainable solutions for stream bank erosion and flooding

On Behalf of the Grants and Executive Committees, Holland introduced the following resolution:

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

- “Green Storm Water Infrastructure.” University of Toledo. \$15,000.
- “Griswold Creek Watershed Project Restoration Plan”. Russell Township. \$15,000.

**The resolution was moved by William Murdock, ODOD and seconded by Gene Phillips, ODH
The Commission members voted all in favor and the motion carried.**

License Plate Design Report Gail Hesse, Executive Director, OLEC:

Hesse presented the background and authorization request for a new design for Lake Erie License plate.

In an effort to enhance the appeal of the Lake Erie license plate, OLEC staff requests up to \$3,000 (of the \$25,000 allocated in June for a plate marketing initiative) from the LEPF be approved to develop a new design of a Lake Erie license plate.

OLEC staff met with Ohio Bureau of Motor Vehicles (Ohio BMV) earlier this summer. The Ohio BMV intends to roll out the new “Ohio Pride” plate in spring 2013. They strongly encouraged OLEC to introduce a new plate design at the same time as a way to generate interest in the Lake Erie plate. The existing Marblehead lighthouse design would continue to be sold along with a newly designed plate. Special plate customers will have the opportunity to choose their preferred image of Lake Erie.

OLEC staff have received a quote from Browning Design, a graphic design company in Columbus that developed the Ohio Bicentennial license plate and served on the committee for the Ohio quarter. They have worked with many clients in the public sector and the Ohio travel and tourism industry.

Browning Design was recommended to us by Tourism Ohio (ODOD). With an authorization to spend up to \$3,000, OLEC will have an opportunity to secure more than one design for final consideration.

The Ohio BMV also recommended two additional license plate marketing approaches. The first is advertising inserts within Ohio BMV mailings. This option is for sponsors of special plates and costs are incurred per quarterly mailing. The second is an upcoming initiative by the Association of Deputy Registrars who is working with *DriveTV*, a company that is installing large screen TVs in deputy registrar offices. They will be offering advertising space in addition to the programming they will have on the TVs.

OLEC is waiting for itemized costs for both of these initiatives. We anticipate that future authorization requests for the marketing initiative allocation will focus on these two approaches.

OLEC staff will continue to pursue the cultivation of alternative sources of funding. ORC 1506.23 allows for donations, gifts, bequests and other moneys to be deposited into the fund. Hesse mentioned she is pursuing conversations with foundations in looking for opportunities to leverage the LEPF with other funding sources.

On behalf of the Executive Committee, Hesse introduced the following resolution:

Resolved, that the Commission approve the use of up to \$3,000 from the Lake Erie Protection Fund for a new design of a Lake Erie license plate.

The resolution was moved by William Murdock, ODD and seconded by Laura Factor, Ohio EPA .

Discussion: Denise Franz-King, ODA, asked if we believed adding another plate will achieve the OLEC goal. Hesse responded yes, some people want new designs. The BMV recommendation focused more keeping it fresh. While some special plate purchasers will maintain loyalty to the Marblehead lighthouse image, others will prefer new designs. ODNR Director Zehringer asked about the analysis done by the BMV. Hesse stated that there is confidence in the information the BMV provided about the sales of special plates. BMV is looking into sales traffic via online, mail, and in person sales at local registrar offices. The percentages are fairly consistent from year to year. Population identification is also being done to identify where and when the most important point of sale action is taking place. William Murdock, ODOD said that they were impressed with research and asked about the timeline for the new design. Hesse stated before OLEC staff will be working on the project through the fall. The final design is subject to approval by the Ohio Department of Public Safety before the roll out next spring. Laura Factor, Ohio EPA asked if one company is going to do the design and are there more options for design. Hesse stated that experience and ability to meet the timeframe were key drivers in the selection.

The Commission members voted all in favor.

LEPF Priority Topics for Quarters 2 and 3 Gail Hesse, Executive Director; OLEC:

Hesse presented priority topics for Quarters 2 and 3 Grant Cycles of the LEPF.

Hesse stated at the June 2012 Commission meeting, the Commission approved an alternate funding framework for the LEPF in SFY13. This framework allows for up to six \$15,000 grants, and two \$30,000 grants with the following quarterly distribution:

September	December	March	June
Up to three grants - \$15,000 each	One- \$30,000 grant	One- \$30,000 grant	Up to three grants- \$15,000 each

This structure also provides for identification of a particular policy/priority/theme for each of the two \$30,000 grants. In June we agreed that the Executive Committee will explore options for one or more targeted themes or priorities for action by the Commission at the September 2012 meeting.

Consultation with member agencies of the Commission resulted in the following recommendations for Q2 and Q3 grant cycles.

1. Internal phosphorus loading

Solicit projects that would fund sediment phosphorus and BOD data collection in the western and central basins for future modeling efforts. There is a need to better understand phosphorus fluctuations from bottom sediments to better quantify internal loading of phosphorus in Lake Erie.

2. Inventory of water conservation measures by industry sector

Section 4.2 of the Great Lakes-St. Lawrence River Basin Water Resources Compact requires the State of Ohio to develop and implement a water conservation and efficiency program and to promote environmentally sound and economically feasible water conservation measures by (among other things) identifying and sharing best management practices and state of the art conservation and efficiency technologies. Funding will be considered for proposed projects that gather, organize, and/or catalogue information on existing best management practices by water use sector, or develop new best management practices applicable to a use sector.

On behalf of the Grants and Executive Committees, Hesse introduced the following motion:

Resolved, that the following grant topics be approved for the Q2 and Q3 grant cycles of the Lake Erie Protection Fund:

- **Internal phosphorus loading**
- **Inventory of water conservation measures by industry sector**

The resolution was moved by Myron Pakush, ODOT and seconded by Laura Factor, Ohio EPA.

Discussion: William Murdock, ODOD asked how the commission is going to give notification of what is going on. Hesse stated that Commission staff plan more outreach efforts about the RFPs in addition to the OLEC website such as newsletter items, posting on the Great Lakes Information Network (GLIN). Denise Franz-King, ODA asked if recommendation item #2 goes beyond agriculture to manufacturing. Hesse stated yes.

The Commission members voted all in favor.

Toledo Harbor GLRI Match Commitment Gail Hesse, Executive Director; OLEC:

Hesse introduced this item on the agenda and provided the following background information.

In 2010 OLEC received a GLRI grant, *Toledo Harbor Sediment Management and Reuse*, to develop a sediment management plan. The federal amount for the grant is \$250,000 with a \$25,000 match commitment from the OLEC Lake Erie Protection Fund. The match commitment was previously

allocated in the OLEC SFY 2012-2013 biennium budget. The purpose of this resolution is to seek authorization for the expenditure of the match to complete the project.

OLEC sub granted the \$250,000 in federal funds to the Toledo-Lucas County Port Authority who in turn subcontracted with Hull and Associates, Inc. The sediment management plan is nearly complete and a final report is expected very soon (final results were presented at a public forum in June). At the time the grant work plan was developed, the match was committed to support the project and allowed for distribution of the match as a sub grant to the Port Authority or as a separate sub grant. No specific work activities are associated with the match funding.

With the project near completion, OLEC explored various options with the Port Authority and other members of the technical team involved in the project to identify which of the plan options merited further analysis utilizing the \$25,000 match funds.

Preparation of a more detailed analysis of the Agricultural Field Improvement Option as presented in the draft Toledo Harbor Sediment Management and Reuse Plan emerged as the clear frontrunner among the suggested options. The Agricultural Field Improvement Option proposes placement of dredged material on nearby fields. The draft plan includes a preliminary evaluation of this option and primarily considered areas within a 5 mile radius. Initial consideration of a 10 mile radius indicates the potential for many more feasible areas for dredged material placement. We intend to use the match for further analysis of dredged material placement within this radius.

The *“Analysis of the Agricultural Field Option for Placement of Dredged Materials”* will include the following activities:

- Completion of a desktop review of the agricultural field improvement option currently being completed at East Harbor State Park and other similar projects
- Collection of dredge material samples to gain information about suitability for agricultural use
- Refinement of conceptual design, sediment characterization requirements, and implementation methods
- Refinement of a preliminary cost estimate
- Completion of additional small group meetings and communications with stakeholders, including property owners

Hull and Associates is prepared to conduct the work and meet the grant completion date of December 31, 2012.

On behalf of the Executive Committee, Hesse introduced the following motion:

Resolved that the project *“Analysis of the Agricultural Field Option for Placement of Dredged Materials”* be funded with \$25,000 from the Lake Erie Protection Fund to meet the federal grant match commitment and provide further analysis of a viable option for the use of dredged material. The resolution was moved by Laura Factor, Ohio EPA and seconded by Myron Pakush, ODOT.

Discussion: ODNR Director Zehringer asked if we are identifying properties. Hesse responded that is more about costs and options. There will also be analysis for sediment. Denise Franz-King, ODA stated that it is an important piece of the disposal of dredged material.

The Commission members voted unanimously in favor of the motion.

Lake Erie Protection and Restoration Plan

Hesse presented the LEPR Plan Priority Areas and Goals.

The Ohio Lake Erie Commission will update the 2008 edition of the *Lake Erie Restoration and Protection Plan* for presentation at the June 2013 Commission meeting. The following Priority Areas and Goals will establish the framework necessary to update current program objectives and activities. The following Priority Areas include the same Priority Areas 1 through 10 as the 2008 edition of the Plan. The goal statements have been updated and Priority Areas 11 and 12 have been added. An updated *Lake Erie Protection and Restoration Plan* will chart the course for the State of Ohio's direction for Lake Erie.

Priority Area 1: Non-Point Source Pollution

Goal: Reduce nonpoint source loadings to Lake Erie tributaries.

Priority Area 2: Invasive Species

Goal: Minimize the potential for invasive species to negatively affect native fauna and flora habitat.

Priority Area 3: Coastal Health

Goal: Eliminate the release of untreated and inadequately treated sewage to Lake Erie and its tributaries with special attention to human uses of the Lake and its beaches.

Goal: Develop and implement plans to restore beaches and shoreline habitat.

Goal: Provide safe, healthy, accessible coastal areas for all Ohioans.

Priority Area 4: Great Lakes Areas of Concern

Goal: Delisting the Maumee, Black, Cuyahoga and Ashtabula Rivers from the list of Great Lakes Areas of Concern.

Priority Area 5: Toxic Pollutants

Goal: Reduce the loadings of persistent bio accumulative toxics, in particular mercury, to Lake Erie.

Goal: Clean up brownfield sites to eliminate loading to Lake Erie and its tributaries.

Priority Area 6: Habitat & Species

Goal: Promote diversity of native flora and fauna by protecting and restoring habitat.

Priority Area 7: Indicators & Information

Goal: Measure the effectiveness of efforts to improve and protect Lake Erie.

Priority Area 8: Sustainable Development

Goal: Practice and promote sustainable practices that protect the natural resources of the Lake Erie basin and make them available for current and future generations to enjoy.

Goal: Practice and promote sustainable practices in urban areas to minimize impacts to the Lake Erie ecosystem and improve the quality of life within watershed communities.

Goal: Utilize coastal tourism for sustainable economic development and protection of resources.

Goal: Sustain a commercial fishing industry in Ohio waters of Lake Erie with an emphasis on under-utilized fish species.

Priority Area 9: Water Withdrawals

Goal: Reduce significant adverse impacts of water withdrawals and losses on the Great Lakes basin and watersheds.

Priority Area 10: Climate Change

Goal: Support and track research and other efforts that emphasize public policy options and adaptive management strategies that address potential changes to the hydrologic regime of the Ohio Lake Erie basin.

Priority Area 11: Jobs & Economic Impact

Goal: Promote economic growth in the Lake Erie basin and the retention and creation of jobs linked to sustainable uses that depend upon Lake Erie waters, such as tourism and transportation.

Priority Area 12: Dredged Sediment Management

Goal: Work with local Port Authorities, Army Corps of Engineers, Ohio EPA and other stakeholders to develop a sustainable management program for sediments dredged for navigational or recreational purposes.

Resolved, that the Lake Erie Protection and Restoration Plan Priority Areas and Goals as presented, be approved for use in the updated Plan.

The resolution was moved by Denise Franz-King, ODA and seconded by Myron Pakush, ODOT.

No discussion was offered.

The Commission members voted unanimously in favor of the motion.

Ohio Balanced Growth Program

Hesse introduced Kirby Date of Cleveland State University, Levin College of Urban Affairs. Date has been under contract for the Ohio Balanced Growth Program with both OLEC and the Ohio Water Resources Council. A key project Date has been working on is an update to the 2004 document of the Commission *Best Local Land Use Practices*. The second edition of this document will be presented at the December Commission meeting for adoption. Date then provided following update:

- The Best Practices document is nearing completion in an effort to ensure we are providing the most up-to-date guidance available. All chapters have now been sent out for review by the Office of the Attorney General to ensure that the recommendations are consistent with state law. Pending the completion of the OAG review, we should be ready to provide the documents for OLEC and OWRC review and endorsement in December 2012. Supplementary marketing materials are also now available (a postcard with messaging and web site references).
- The BLLUP Program continues in the early stages of planning a statewide conference to be held in January 11, 2013 in Columbus, to be followed with a series of technical workshops. This conference will be held in conjunction with Ohio State Extension. The keynote speaker will be Scott Bernstein of the Center for Neighborhood Technology.

- Cuyahoga County SWCD has requested and is receiving technical assistance with a model tree ordinance for the Cuyahoga River watershed communities, including those that are already Balanced Growth communities with endorsed plans.
- In conversation with Crystal Dymond of the Erie County SWCD about follow up to a Best Practices workshop held on August 3. It is likely there will be up to 6 communities who will agree to participate in a meeting to review their codes and recommend updates.
- Just released an RFP for research on the costs and benefits of tree protection and compact development in Ohio. This research will help support local community decision making for these practices in this state and build on existing literature for practices studied elsewhere that demonstrate cost effectiveness for local communities.
- The Best Practices program previously developed a video with OLEC funds that showcases local officials and developers discussing the practices and how using the practices can help communities protect their water resources, including Lake Erie, in a cost effective manner. We are in the process of updating this video using OWRC funds to include representation from the Ohio River watershed. We are in the process of locating developers/local officials to interview now, and drafting a revised script. We would like to get the filming done by the first week in October.

Hesse commented that this is an exciting time for the Ohio Balanced Growth Program as these and other activities are coming to fruition in the next few months. She directed the Commission's attention to the written update in the briefing book that includes updates to implementation activities in endorsed watersheds, technical assistance and other program activities.

ODNR Director Zehringer thanked Kirby Date for her work on this as well as her associates involved.

OHIO LAKE ERIE COMMISSION OFFICE UPDATES

Hesse then provided an update on other OLEC office activities.

The Auditor of State completed the audit of the Ohio Lake Erie Commission in July. Not only did the Commission receive a clean audit but there were no comments provided in the management letter summarizing the audit results. The following sentence is extracted from the management letter: "We are pleased to report there are no instances of noncompliance or internal control weaknesses we believe should be communicated to you." Dave Yost, Auditor of State.

Ohio Coastweeks 2012: Nine new events were added in 2012 including three new schools, Greater Cleveland Aquarium, Edgewater Beach, and East Sandusky Bay. The most found item to date was cigar tips. There will be final data presented at the December 12, 2012 meeting.

Lake Erie Quality Index: The last completed Lake Erie Quality Index (LEQI) was in 2004. The OLEC staff will update the LEQI before the end of 2014. There will be new and different data available for the upcoming edition.

Hesse then presented the LEPF Completed Projects First Quarter 2013

- Does Enterococci qPCR Predict Pathogen Levels?
 - LEPR Priority: Coastal Health
 - Principal Investigator: Dr. Jiyoung Lee, The Ohio State University
- Diversity of Microcystis Across Trophic Gradients
 - LEPR Priority: Nonpoint Source Pollution
 - Principal Investigator: Dr. Thomas Bridgeman, University of Toledo
- Evaluating the Linkage Between Lake Erie Water Quality and Public Health

- LEPR Priority: Indicators & Information
- Principal Investigator: Dr. Timothy Buckley, The Ohio State University
- Roadside Ditch Sediment Control Project
 - LEPR Priority: Nonpoint Source Pollution
 - Principal Investigator: Matt Scharver, Chagrin River Watershed Partners, Inc.

Agency Reports and New Business:

- Denise Franz-King, ODA: There is a \$50,000 co-op effort to reduce runoff. Meetings are scheduled with groups to work on reduction measures. Updates are posted on the www.Cleanlakesohio.gov
- William Murdock, ODOD: Clean Ohio Council has adopted a draft policy to focus quickly on brownfields. Ohio Department of Development is changing its name to Ohio Development Services Agency, effective as of October 2012.
- Gene Phillips, ODH: Finalizing report from E Coli Management program, results will be out on web.
- Commission Chair Zehringer turned to Deputy Director, Karl Gephardt, ODNR for the following report: Effort has been made for the Ohio Clean Lakes Initiative. There will be \$3 million on the program. Over 20,000 agricultural lands will be placed under new controlled practices and controlled drainage. This allows manageable flow – single progress with soil water. The goal is 33,000 acres. Utilization of charter boat captains with water sampling has been significant and greatly appreciated and is going well. Watershed plans are being completed. eDNA sampling is ongoing for the Asian Carp as well as electro shocking for fish.
- Myron Pakush, ODOT: Governor announced the construction for 2nd Cleveland Inner belt bridge to be completed in 2016. Fish habitats will be constructed. The public comment period is going on. ODOT is focusing on the long range plan.
- Laura Factor, Ohio EPA: Ohio EPA has had a busy legislative session and also doing a lot of monitoring.

Advisory Group Reports:

- OSU Sea Grant Program: Dr. Kristin Stanford – Updates: 2012 has been a big change for them. Renovations are great and notable. The research building and classroom facility has grown to accommodate 242 participants. Also continuing with improvements to laboratory and the water quality lab. Sea Grant proposals will be taken in March 2013.
- Natural Resources Conservation Service (NRCS): Cheryl Rice- NRCS is at the end of fiscal year – funds available next fiscal roll out at end of the month.
- Toledo Metropolitan Area Council of Governments: Kari Gerwin- TMCOG is in process of wrapping up LEPF grant, hoping project will lead to larger project down the road. Salvage Land Steward Program is underway and will be complete by end of 2012. Several 319-funded stream restoration projects underway: Ottawa River watershed, removal of two low-head dams at Toledo Botanical Gardens, and Swan Creek stream restoration. The Portage River watershed plan is in progress. Based on most recent evaluations of HUCs they will be focusing on identifying phosphorus in the watershed.

PUBLIC COMMENT PERIOD

Sandy Bihn, Lake Erie Waterkeepers – Wanted to stress the importance of the Toledo Lighthouse on the lake. She state that lighthouses are tourist magnets. Ohio under promotes them and suggests that they are forgotten. She also suggested the need to do more to recognize the fact we need to promote them.

Larry Fletcher, Lake Erie Shores & Islands – Thanked all for visiting the area and reminded all in attendance that there is 40 million dollars spent in Ottawa County for tourism – 11.5 billion spent in 7 Lake Erie counties and its extremely critical for economy. The work being done by groups is critical for healthy Lake Erie and wanted to know what Lake Erie Shores and Islands can do to help the efforts.

Photo contest will be going on the road for display. Its first location will be at the Lake Erie Shores & Islands Visitor Center located on SE Catawba Rd. in Port Clinton, OH.

Director Zehringer adjourned the meeting at 11:30 am.

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

NOTE: Next Lake Erie Commission Meeting: December 12, 2012 at 10:00 a.m. at the Center for Excellence, Ohio EPA building, Columbus, OH.