

OHIO LAKE ERIE COMMISSION MEETING

The Vern Riffe Center for Government & the Arts, Executive Training and Conference Center

December 18th, 2013 1:30 p.m.

Call to Order and Roll Call –Scott Nally, OLEC Commission Chair; Director, Ohio EPA

The Ohio Lake Erie Commission (OLEC) meeting was called to order by Commission Chairman, Ohio EPA Director Scott Nally at 1:30 p.m.

Commission Members Present:

James Zehringer, Director, Ohio Department of Natural Resources (ODNR)
John Schlichter, Director's Designee, Department of Agriculture (ODA)
Scott Nally, Director, Ohio Environmental Protection Agency (OEPA)
Myron Pakush, Director's Designee, Ohio Department of Transportation (ODOT)
Gene Phillips, Director's Designee, Ohio Department of Health (ODH)
Sadicka White, Director's Designee, Ohio Development Services Agency (ODSA)
William Murdock, Mid-Ohio Regional Planning Commission, Exec. Director
Harry Allen, Great Lakes Power Group, Chairman
J. Kevin Cogan, JonesDay, Of Counsel
Darrell McNair, MVP Plastics Corporation, President/CEO
Paul Toth, Jr., Toledo-Lucas County Port Authority, President/CEO

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)

Welcome and Agenda Overview: Scott Nally, Director, Ohio EPA, and OLEC Chairman

Director Nally welcomed everyone to the meeting and made special note of the recently appointed members to the Commission. Each member briefly introduced themselves.

Director Nally mentioned there are five actions before the Commission today. The first three address the approval of the September 2013 meeting minutes, designation of Chairman and Secretary for 2014, and the 2014 meeting schedule.

ODOT moved the following resolution:

Resolved, that the September 25, 2013 Meeting minutes be approved. ODA seconded the motion. No discussion was offered. The Commission members voted all in favor and the motion carried.

Director Nally asked for an affirmation on the following resolution as presented:

Resolved, that the following business item be approved: That the Commission designate Ohio EPA Director as chairman and ODOT Director as secretary of the Commission for 2014. No further discussion. The Commission members all voted in favor and the resolution passed. Murdock abstained from the vote.

ODNR moved the following resolution:

Resolved, that the following 2014 meetings dates be approved:

- March 26, 2014
- September 24, 2014
- December 17, 2014

ODSA seconded the motion. Hesse indicated that the June meeting will be addressed later in the meeting. The Commission members voted all in favor and the motion carried. Murdock abstained from the vote.

Director Nally also spoke briefly to the commission members present at the September meeting about the *Lake Erie Protection and Restoration Plan* and that it needs to be approved by Dec. 31, 2013. He asked that they contact him within the time frame regarding their decisions.

Special Report

The ODOT – *Access Ohio 2040 Plan* was presented by Scott Phinney, P.E., Office Administrator for Statewide Planning & Research, ODOT and Chuck Dyer, Project Manager for Statewide Planning & Research, ODOT. Phinney and Dyer covered the contents of the Plan including the vision and goals for Ohio’s transportation network, key findings, draft recommendations, connections with the Ohio Balanced Growth Program and planned next steps. A copy of the complete slide presentation used at the meeting is on file at the Commission office.

Discussion:

ODNR asked about the townships and traffic flows in central Ohio. ODOT responded that they are partnering with MORPC in the Columbus area. Ohio EPA asked if the freight traffic included water traffic. Response: No because it is not within ODOT’s jurisdiction. ODSA commented on how regional planning doesn’t always work and Ohio EPA stated some of the regional planning agencies are seeking to disband.

William Murdock exited the meeting at 2:20 p.m.

Director Nally introduced Dr. Jeff Reutter to provide an overview of the 2013 algal season for Lake Erie. Director Nally commented that it was an unusual year and the importance of understanding how different years compare to one another.

2013 Season in Review, Harmful Algal Blooms

Dr. Jeff Reutter, OSU Ohio SeaGrant

Dr. Reutter provided an overview of the unique aspects of Lake Erie. He then described the value and the differences between the two measures of algal blooms: the Cyanobacteria Index (CI) developed by NOAA and the Biovolume measure developed by Dr. Tom Bridgeman at the University of Toledo. A copy of Dr. Reutter’s presentation is on file at the Commission office.

Discussion: ODH stated that they are still processing bacteria data samples and 2013 saw the situation worsen. There were 1,288 advisories in 2012 and 1,833 advisories for 2013. ODSA asked is there anything that can make a significant impact for improvement. Allen asked if there is any research underway with phosphorus so it is not producing toxins. Dr. Reutter said that 14% nitrogen by weight in research shows you can limit toxic production with reduction in nitrogen, ammonia and urea. There might be a way to reduce toxicity of algal blooms by controlling the nitrogen but the key is the control of

phosphorus loading. Hesse pointed out that the lake will respond to modification when reduced loads are achieved.

Lake Erie Quality Index

Coastal Wetlands Assessment

Hesse presented an overview of the Lake Erie Quality Index project and the request for expenditure from the Lake Erie Protection Fund to support the project.

Background

In 2014, Ohio Lake Erie Commission staff will be updating the *Lake Erie Quality Index* (LEQI), last published in 2004. The two previous editions of the LEQI required significant expenditures from the Lake Erie Protection Fund (LEPF) to fund projects that generated data needed for analysis of individual metrics. This edition of the LEQI will utilize a broader range of current data sources (unavailable for the 2004 LEQI) and therefore not require major expenditures from the LEPF with one exception. At the September meeting, OLEC staff briefed the Commission on the need to replicate a 2004 Ohio Lake Erie coastal wetland vegetation study for comparison with present day conditions. Funding for this comparative study will enable a trend analysis of key coastal wetland conditions in the LEQI update. The Commission agreed in September to fund this project from the LEPF as a targeted topic for LEPF project solicitation.

In October, OLEC solicited proposals to perform an assessment of Lake Erie coastal wetlands utilizing the Coastal Wetland Vegetative Index of Biotic Integrity (VIBI-E_{COASTAL}). We did not receive any applications in response to our Request for Proposals. Consultation with agency staff and external stakeholders led to the conclusion that the funding level is not enough to complete the necessary field work and data analysis.

In internal conversations with ODNR and Ohio EPA, each agency expressed their interest in the significant value of the project beyond the purpose of fulfilling a data source for the LEQI. The two agencies offered limited staff support (from within their own agencies) towards its completion if assistance from a 3rd party could be secured with LEPF funding. Agency staff identified the Cleveland Museum of Natural History (CMNH) as the grantee due to their strength of botanical knowledge needed for plant identification. Tasks will include coastal wetland assessments and related data processing, which will result in a complete study of coastal wetlands as previously performed for the 2004 LEQI.

All LEPF funded projects must assist with implementation of the *Lake Erie Protection and Restoration Plan* and provide a direct benefit to Lake Erie of its tributary watersheds in Ohio. Funding for this project seeks to address the Habitat and Species Objective in the *Lake Erie Protection and Restoration Plan* (2013) to “Protect, enhance and restore wetlands and their functionality and expand wetland acreage within the watershed, with a priority focus on coastal wetlands.”

The SFY14 budget for LEPF Small Grants is \$150,000. With approval of the above project, the remaining balance for the LEPF for SFY14 is \$90,000.

ODSA moved the following resolution:

Resolved, that the following Lake Erie Protection Fund grant proposal be funded to provide updated coastal wetland conditions data for use in the *Lake Erie Quality Index*:

- Cleveland Museum of Natural History: \$30,000

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

Coordinated Science Monitoring Initiative (CSMI)

Great Lakes Restoration Initiative – CSMI grant award to OLEC

Hesse presented information on the Great Lakes Water Quality Agreement and the 2012 update and how this led to the Request for Proposals issued by USEPA this past summer and the grant received by the Ohio Lake Erie Commission.

Background

This past summer USEPA issued a Request for Proposals (RFP) through the Great Lakes Restoration Initiative to conduct nutrient-related assessments as part of the Cooperative Science and Monitoring Initiative (CSMI). The CSMI is a binational intensive monitoring and assessment program conducted on each Great Lake annually on a rotational basis. Lake Erie is the CSMI Great Lake for 2014.

OLEC staff collaborated with four universities and an environmental modeling consulting firm (LimnoTech) to develop a project proposal in response to the RFP issued by USEPA. Our proposal was successful in securing the \$500,000 grant from USEPA.

As the recipient, OLEC is serving as the lead agency for the grant and will pass through federal funds to the 5 subawardees. OLEC will oversee the grant administration and participate in the coordination and delivery of the education and outreach activities associated with project findings and results. OLEC staff time will be funded by \$40,535 of the grant. The four subgrants and one subcontract for this project will be administered through the Ohio Lake Erie Commission's Lake Erie Protection Fund. Two of the following list of five sub awardees is providing match funds for the grant.

- **University of Toledo: \$165,043 (federal); \$131,174 (non-federal match)**
U. Toledo will coordinate the scientific efforts of the participating institutions and its team of five researchers involved in the field and modeling aspects of the project. In the field, UT will provide one of the three dive teams that will deploy lake bottom chambers for the measurement of internal loading of phosphorus and nitrogen from lake sediments, using wet chemistry and a novel phosphorus sensor developed at UT. A second group at UT will collaborate with the National Center for Water Quality Research at Heidelberg University to use the SWAT and SPARROW models to investigate the effects of different BMPs and future climate change scenarios on the loading of phosphorus from the Maumee watershed.
- **Case Western Reserve University: \$75,000**
The CWRU team will focus their efforts on determining phosphorus and nitrogen fluxes from the sediments. They will participate in the design, construction, deployment and data analysis of the bottom chambers and will develop new iron and phosphorus optode techniques (optodes are a type of optical sensors) for determining pore water concentrations and fluxes.
- **Ohio State University - Stone Laboratory: \$34,455**
Stone Lab will oversee the deployment and sampling of the lake-bottom flux chambers in the Bass Island area for analysis of internal loading of phosphorus and nitrogen. Stone Lab will also explore relationships between timing and intensity of annual HABs and seasonal loading of nutrients from the Maumee River. Stone Lab will lead the education and outreach component of the project.

- Heidelberg University - National Center for Water Quality Research: \$95,000 (federal); \$21,687 (non-federal match)
The NCWQR's role in this project is to help quantify internal phosphorus and nitrogen sediment fluxes, to collaborate with UT to develop and apply watershed models for western Lake Erie, analyze our long-term data for seasonal patterns for use in both watershed and basin-scale models, and to collaborate with other PI's in exploring relationships between seasonal loading and HAB development.
- LimnoTech (subcontract): \$89,967
LimnoTech's role in this project is to synthesize and interpret on a system level the field monitoring and research utilizing the Western Lake Erie Ecosystem Model (WLEEM) planned for this project and for the 2014 CSMI program. The WLEEM will allow us to quantify the relationship between nutrient loadings from all sources to the Western Basin and its response in terms of the temporal and spatial profiles of nutrient concentrations and cyanobacteria blooms (HABs), thus providing resource managers with support in addressing management questions.

Each of the researchers participating in this project has particular expertise with different aspects of the Lake Erie ecosystem and nutrient dynamics. All participate with the Lake Erie Millennium Network, a binational network of researchers collaborating on the critical issues facing Lake Erie.

This project is a critical component of the larger, binational CSMI in 2014 being undertaken by federal and provincial partners in the U.S. and Canada. This project will contribute to the development of an integrated nearshore framework as called for in the Great Lakes Water Quality Agreement. Through a combination of field work, laboratory studies, and modeling the sub awardees will quantify and evaluate river hydrologic influences and develop a nutrient mass budget for the western basin to improve current understanding of the roles of external and internal nutrient loading.

Specific outputs generated by modeling efforts include:

- Movement of phosphorus (soluble, particulate, etc.) and nitrogen in the western basin of Lake Erie
- Contributing nutrient sources (by type and location) to harmful algal blooms in Lake Erie.
- Contribution of western basin phosphorus to low oxygen in the central basin of Lake Erie.

Specifically, the project will 1) quantify the internal nutrient loads to the water column in the western basin, 2) evaluate the key factors of river hydrology and seasonality of loads to harmful algal blooms in the western basin, including the effects of storm and other meteorological/climatological events, and 3) develop a nutrient mass budget for the western basin of Lake Erie. The field work will be conducted during 2014 and the overall project period for the grant will extend for two years.

ODOT moved the following resolution and Paul Toth seconded the motion.

Resolved, that the following GLRI-CSMI subgrants and subcontract be funded:

- University of Toledo: \$165,043 (federal); \$131,174 (non-federal match)
- Case Western Reserve University: \$75,000
- Stone Laboratory, Ohio State University: \$34,455
- Heidelberg University: \$95,000 (federal); \$21,687 (non-federal match)

- LimnoTech: \$89,967

Director Zehringer asked about the numbers and how they all add up. Hesse stated that they do. The Commission members voted all in favor and the motion carried.

Lake Erie Commission Office Updates

Hesse provided a brief summary of office activities. Items mentioned include:

1. The Ohio Lake Erie Phosphorus Task Force Phase II Final Report was released in November.

2. Great Lakes Water Quality Agreement – Annex 4 Nutrients

Hesse described the current status and her participation on an Annex 4 Task Group to update nutrient targets. Hesse mentioned that Environment Canada will be funding the Commission staff to facilitate a Task Group workshop in January and to produce a summary white paper from that workshop. Hesse briefly described the objectives of the Task Group and methods for developing targets. The Great Lakes Water Quality Agreement specifies that Lake Erie targets be developed first, with the rest of the Great Lakes on a schedule to be determined.

Objectives and Targets Task Group

Open Waters:

- Assess/update concentrations
- Assess/update loading targets
- Apportion by country

Nearshore Waters:

- Concentrations for nearshore
- Load reduction targets for priority watersheds

3. Lake Erie Protection Fund

Hesse acknowledged appreciation for the contribution to the Lake Erie Protection Fund made by Columbus-based company, Homage. The donation from Homage was generated from a portion of the proceeds of the sale of an Earth Day themed tee shirt.

4. Ohio Ethics Commission

Hesse mentioned that Commission staff consulted with Ohio EPA legal staff in a request to the Ohio Ethics Commission regarding any boundaries in developing relationships with private companies for donations to the Lake Erie Protection Fund, similar to what was done with Homage. The Ethics Commission responded that since any donations were to the Lake Erie Protection Fund and not to a private individual, there is no potential for ethics related conflict. The Lake Erie Protection Fund is a statutorily created fund designated for the restoration and protection of Lake Erie.

5. License Plate Marketing Update

Hesse mentioned that the Commission submitted to DriveTV images of the Lake Erie license plates, with an accompanying message about how the proceeds benefit Lake Erie. Drive TV is an initiative by the deputy registrar association that has resulted in installation of large screen TVs in deputy registrar offices around the state. DriveTV streams news and advertising across the screens in a continual loop. DriveTV will post the images and messaging provided by the

Commission free of charge for the short term as they work out pricing for advertising and policies for public service announcements.

6. June 2014 Ohio Lake Erie Commission meeting

Hesse presented a slide of the 180 foot research vessel, the *RV Lake Guardian*, operated by USEPA. The *Guardian* will spend two months in Lake Erie this summer as part of the Cooperative Science Monitoring Initiative with Canada discussed earlier in the meeting. Commission staff are working with USEPA to schedule the June meeting aboard the ship with potential for a demonstration of certain sampling methods. A specific date has not been determined but staff are looking at a date in mid-June.

Agency Reports

Myron Pakush, ODOT: No report due to the presentation of the *Access Ohio 2040 Plan*.

Gene Phillips, ODH: ODH is in the process of finalizing reports for beach activity from the summer. There will be an RFP for beach monitoring coming out.

James Zehringer, ODNR: Welcomed the new members. Senator Gardner is our champion for lake issues and working with the Clean Lakes Initiative. There are a lot of exciting things coming down the road.

Commission Chair and Director, Scott Nally, OEPA: Focus is on implementation and the SRF. 2014 will be the biggest bonding year in Ohio totaling 1 billion dollars. There will be sewer updates in the western basin. The state nutrient management process working with US EPA. There were 7 pages of comments that are being looked at and worked on. State of Ohio will have a state wide plan soon.

John Schlichter, ODA: Every day that ODA is not in the news is good! Pleased to say that Farmland Preservation is doing great. Continuing work in fertilizer application certification with help keeps farmers educated and fertilizer on the ground. Annexes are good representation of Ohio and good help with and from ODNR.

Sadicka White, ODSA: ODSA is currently working on consolidation within their divisions. Tourism report is important for their promotion in economic development.

Advisory Group Reports:

- **OSU Sea Grant Program-** Chris Winslow – Lake Erie Day is January 20th at the Boat Show. 10 new projects start on Feb. 1, 2014. There is tagging of walleye going on in Fremont. Water quality lab is active. Curriculum is ready for 2014. RFP for Coastal Storm Grants – Great Lakes wide and shoreline hazards/ coastal resilience – closes today. Hoping to award over 1 million dollars for this.
- **Natural Resources Conservation Service** – Michelle Lohstroh – NRCS is working with farmers – 1 – to provide grants for farmers – 6 million dollars awarded & working on 3 million additional for phosphorus. Farmers and landowners are stepping up. A lot of people are asking what is going on with the money. Libby Dayton has received a 3 yr. Conservation Innovation Grant for phosphorus index work which will tell how phosphorus moves on the land and structural practices. NRCS is also investing more research in Lake Erie for the Conservation Effects Assessment Project for data. This is similar to the Chesapeake Bay project.
- **Northeast Ohio Area Wide Coordinating Agency** –not in attendance
- **Toledo Metropolitan Area Council of Governments** –not in attendance

PUBLIC COMMENT PERIOD

A letter was submitted to the Ohio Lake Erie Commission from Alan Isselhard on behalf of the Great Lakes Wind Truth. A copy of the letter is in the briefing book and on file at the Commission office.

Director Nally adjourned the meeting at 3:29 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: **Wednesday, March 26, 2014**, 10am-12pm
Ohio Department of Natural Resources - West Conference Room Bldg. E, Assembly Center
2045 Morse Road Columbus, Ohio 43229