

**OHIO LAKE ERIE COMMISSION MEETING**  
**Lorain County Community College ~**  
**The John A. Spitzer Conference Center, Elyria, OH.**  
September 6, 2006

The Ohio Lake Erie Commission (LEC) meeting was called to order by Commission Chairman Sam Speck, Director; Ohio Department of Natural Resources at 2:05 p.m.

**Roll Call:**

Sam Speck, Commission Chairman; Director, Ohio Dept of Natural Resources (ODNR)  
Cash Misel, Commission Secretary; Assistant Director, Ohio Depart of Transportation (ODOT)  
Gail Hesse, Ohio Environmental Protection Agency (OEPA)  
Gene Phillips, Ohio Department of Health (ODH)  
Michael Bailey, Ohio Department of Agriculture (ODA)  
Brad Biggs, Ohio Department of Development (ODOD)

**Guests:**

David Ashenhurst, Oberlin  
John Beeker, NOACA  
Russell Bimber, Retired Chemist formerly with Diamond Shamrock  
Edith Chase, Ohio Coastal Resource Management Project (OCRMP)  
Kurt Erichsen, TMACOG  
Elly Hahn, Citizen from Clyde, OH.  
Edwin J. Hammett, Ohio Lake Erie Commission Office  
Jeff Hoedt, U.S. Coast Guard  
Seth Hothem, Northeast Ohio Regional Sewer District  
Steve Holland, ODNR – Office of Coastal Management  
Julie Letterhos, Ohio EPA  
Ken Pearce, Black River RAP  
Carla Regener, Cuyahoga County Planning Commission  
Jill Woodyard, Ohio Lake Erie Commission Office  
Linda Zmudzinski, Ohio Lake Erie Commission Office  
Scott Zody, ODNR

**COMMISSION BUSINESS**

**Chairman's Report**

**Minutes**

Motion was made by ODOT and seconded by ODH to accept the June 7, 2006 meeting minutes as presented with no changes. The Commission voted all in favor and the motion carried.

**Executive Committee Report**

Scott Zody, Executive Committee Chairman; ODNR, presented the committee's recommendation for the 2006 Ohio Lake Erie Awards. Each year one Ohio citizen and one organization are recognized for their outstanding contributions to Lake Erie from nominations submitted by member agencies and collaborative partners. The Executive Committee respectfully requested the Commission's approval of the individual award nomination of Jim White, Executive Director of the Cuyahoga River Community Planning Organization for his outstanding environmental efforts for the Cuyahoga River and its community. Motion was made by ODOT and seconded by OEPA, the Commission voted all in favor and the motion carried to approve the recommendation. The Executive Committee also requested the Commission's approval of the organization award nomination for the Maritime Archaeological Survey Team, Inc. (MAST) for their volunteer efforts devoted to preserving and educating the community about Lake Erie shipwrecks. Motion was

made by ODOT and seconded by ODOT, the Commission members voted all in favor and the motion carried to approve the recommendation. It was announced that the 2006 Ohio Lake Erie Awards would be presented during the awards program at the Lake Erie Conference on September 7, 2006.

Scott Zody presented information on the 2006 Ohio Lake Erie Ambassador Awards which is a new awards program to recognize Ohio's elected officials who have made outstanding contributions to enhance Lake Erie and the Great Lakes. The contributions of these officials are essential to implement programs for the protection and restoration of Lake Erie. The Executive Committee respectfully requested the Commission's approval of the first recipients of the Ambassador Awards for their significant contributions to Lake Erie: Congresswoman Marcy Kaptur, Toledo; and U.S. Senator George Voinovich; and U.S. Senator Mike DeWine. Motion was made by OEPA, seconded by ODA, the Commission voted all in favor and the motion carried to approve the recommendations. It was announced that the 2006 Ohio Lake Erie Ambassador Awards will be presented during the awards program at the Lake Erie Conference on September 7, 2006.

### **2006 LEPR Progress Report**

Scott Zody presented the third Progress Report and final update to the *Lake Erie Protection & Restoration Plan* (LEPR) which was originally released by Governor Taft in year 2000. The Progress Report details the work that has been completed during the past six years by the Commission member agencies addressing 84 strategic actions under the areas of environmental, recreational and economic opportunities in the region. The report also provides a section from the member agencies' highlighting their major accomplishments for the improvement of Lake Erie. As chairman of the Executive Committee, Mr. Zody presented the third Progress Report to the Commission for their approval. Motion was made by ODH, seconded by ODOT, the Commission voted all in favor and the motion carried to approve the Progress Report.

### **Ohio's Lake Erie Action List**

Scott Zody presented Ohio's Lake Erie Action List which was prepared in conjunction with the efforts created by the *Great Lakes Regional Collaboration*. Ohio's Lake Erie Action List identifies activities for the improvement of Lake Erie that will be pursued by the Commission member agencies for the next two years. It reflects the broad recommendations of the *Great Lakes Regional Collaboration* and the strategic direction of the *Lake Erie Protection & Restoration Plan*. The document addresses eight priority areas: invasive species; coastal health; Areas of Concern; toxic pollutants; habitat and species; nonpoint source pollution; indicators and information; and sustainable development. The Action List demonstrates Ohio's continued leadership among the Great Lakes and is the first Great Lakes state to commit to a measurable set of restoration actions. As chairman of the Executive Committee, Mr. Zody respectfully requested the Commission members to accept Ohio's Lake Erie Action List that would be released at the September 7<sup>th</sup> Lake Erie Conference. Motion was made by OEPA, seconded by ODOT, the Commission voted in favor and the motion carried to accept the document with discussion by Director Sam Speck, ODNR. Director Speck stated that Ohio's Lake Erie Action List focuses on the environmental side and that the *Lake Erie Protection & Restoration Plan* reports on broader areas for protection which include tourism, boating and recreation. Without environmental protection, these areas will not have continued development.

### **Grants Committee Lake Erie Protection Fund (LEPF) Report Small Grants Program**

Bill Goodman, Grants Committee Chairman; ODA, presented the committee's report for this quarter's Small Grants Program. The program addresses the strategic actions in the *Lake Erie Protection & Restoration Plan* and the Near Term Actions of the *Great Lakes Regional Collaboration*. Each grant has a maximum award of \$10,000 and is funded by revenue generated by the Lake Erie License Plate Sales Program with \$15.00 donated to the LEPF from each plate sale. The Commission has budgeted \$200,000 for the FY 2007 Small Grants Program. The

Grants Committee recommended funding one grant project for the first quarter of FY 2007 in the total amount of \$10,000 to The University of Toledo for Dr. Andrew Heydinger's project entitled, "*Development of Water Resources Models for the Old Woman Creek Watershed.*" It was reported that the project will develop comprehensive water resources models using an integrated modeling program to simulate movement of water in the Old Woman Creek watershed. The potential benefits of the project could address effects of agricultural practices on nonpoint source pollution and effects of development on water quality in the watershed. Motion was made by OEPA, seconded by ODOT, the Commission voted all in favor and the motion carried to approve this small grant project.

## **Lake Erie Commission (LEC) Office Report**

### **Lake Erie Balanced Growth Program**

Ed Hammett, LEC, provided an overview and implementation update on the program. In April 2004, the Commission accepted the recommendations of the Blue Ribbon Balanced Growth Task Force contained in a planning framework entitled, "*Linking Land Use and Lake Erie.*" Three watershed pilot projects were selected for funding in September 2005 for the Chagrin River, Swan Creek (Toledo area), and the Upper West Branch of Rocky River (Medina). In June this year, the Commission adopted the Lake Erie Balanced Growth Strategy which provided a complete inventory of state programs and financial incentives as a planning tool to assist the watershed programs. Public outreach and education was developed including a Balanced Growth Awareness PowerPoint presentation and development of the Balanced Growth web site accessible at the Commission web site. Best Local Land Use Practices awareness and educational programs are being developed to increase awareness and provide assistance to local governments.

### **Lake Erie License Plates Program**

Mr. Hammett reported that since plate sales began in spring 1993, over \$8.0 in revenue has been raised for the Lake Erie Protection Fund which is the primary source of funding for the LEPF. The summer months are the strongest plate sales with Ohioans purchasing either the Marblehead Lighthouse Plate or the Toledo Harbor Light. Average monthly sales are approximately \$34,000, representing close to 3,000 plates sold or renewed each month.

### **Ohio Lake Erie Conference**

Mr. Hammett presented an overview of the 2006 Lake Erie Conference entitled, "*Lake Erie Protection & Restoration: Our Achievements – Our Challenges*" which will take place the following day at the John A. Spitzer Conference Center at the Lorain County Community College. The program will highlight what Ohio has achieved these past four plus years for the restoration and protection of Lake Erie. Among the program announcements will be presentation of the LEPR third Progress Report, Ohio's Lake Erie Action List, presentation of the 2006 Ohio Lake Erie Awards, Lake Erie Ambassador Awards and the 2006 "Life on Lake Erie" Photo Contest winners.

### **Coastweeks 2006**

This annual celebration of Lake Erie kicks off at the Lake Erie Conference September 7 and will run through September 22. The focus will be placed on cleanup events along Lake Erie with continued cleanup sponsorship provided by The Ocean Conservancy in Washington, D.C. Eleven cleanups are scheduled along the shoreline including one underwater cleanup at Put-In-Bay. The program also includes hikes, the annual Great Black-Backed Gull Watch, a Root Beer Canoe Float and campouts along the shoreline. Coastweeks brochures are being distributed and all information is available at the LEC web site.

The next quarterly LEC Meeting will take place in Columbus on Wednesday, December 20, 2006 at Ohio DNR's Wildlife District 1, 1500 Dublin Road.

## **Invited Report**

### **Update on the Black River RAP**

Ken Pearce, Chairman of the Black River RAP and Commissioner of the Lorain County General Health District, presented an overview and update on the activities of the Black River Remedial Action Plan. In 1989, the river was designated as a Great Lakes Area of Concern and was known as a "river of fish tumors." The RAP Committee was formed in 1991 comprised of 23 members from local, state and federal agencies along with citizens and local businesses that began identifying restoration efforts that addressed: fish and wildlife consumption, fish populations, fish tumors, habitat; bird/animal deformities; plankton populations; benthos, dredging activities; eutrophication; drinking water, beach closings, aesthetics and costs to agriculture and industries. Three major causes were identified that have impacted the Black River watershed due to runoff: (1) excessive nutrients; (2) excessive siltation; and (3) organic enrichment which has caused low dissolved oxygen. The RAP and the community have taken a coordinated watershed approach in Lorain County and have developed local stewardship programs such as storm water stenciling and proper disposal of yard wastes. They have developed set back ordinances in the county which helped to decrease sediment loads, runoff, reduce flooding and erosion of stream banks. A fish shelf was also established in the river for habitat protection. Due to their many efforts, the RAP has achieved significant reduction of fish tumors and habitat improvement. Their successes were recognized in 2005 with the Black River RAP becoming the first RAP in the United States to be delisted due to their restoration activities.

### **Agency Reports**

Brad Biggs, ODOD, reported on Lieutenant Governor Johnson's trip to Texas regarding bringing jobs back to Ohio, and that \$54.0 million has been funded through the Clean Ohio Fund to clean up Ohio. Mr. Biggs further thanked the commissioners that it has been a privilege working with the Lake Erie Commission.

Gene Phillips, ODH, reported on the agency's beach monitoring program with results that wrapped up Labor Day. These results will be posted at the department's web site. It was further reported that the new Sewage Program Rules will go into effect January 2007.

Cash Misel, ODOT, updated the commission on the Coastal Trail being added to the Scenic Byway which is the second largest byway in Ohio. It was further reported that the Maumee River Crossing bridge is scheduled for completion in April 2007.

Gail Hesse, OEPA, reported on the Great Lakes Regional Collaboration effort, and the 208 Plan section update slated September 12, 2006 for public notice.

Michael Bailey, ODA, provided an update on the Farmland Program which has been working with 22 counties in Ohio with 98 applications funded. The EAB (Emerald Ash Borer) has been discovered in 18 counties with 10,000 trees examined for detection.

Sam Speck, ODNR, provided an update on the involvement of the eight Great Lakes states that will be seeking legislation endorsement of the Great Lakes Compact by the end of year. ODNR's Division of Watercraft has announced a new recreational boating loan for further access to the water.

### **Advisory Committee Reports**

Edith Chase, OCRMP, provided packets of information to each commissioner on a 2005 ecosystem assessment document and reported on its watershed information.

John Beeker, NOACA, reported that NOACA has been working with the Cuyahoga RAP since 1991 and that the Governing Board recently approved its water quality funding. The agency has been working with OEPA and supports the Section 208 water quality initiative. It was further reported that NOACA is a transportation planning agency and provides feedback on transportation and development in the region.

Kurt Erichsen, TMACOG, provided information on the upcoming annual Maumee RAP cleanup program which takes place on September 16, 2006. Information on the storm water conditions in the northwest Ohio were further discussed, and OEPA was thanked for bringing the Section 208 plans to pass.

#### **PUBLIC COMMENT PERIOD**

Russell Bimber, retired chemist previously employed by Diamond Shamrock presented comments and concerns regarding a proposed redevelopment of Diamond Shamrock's former Painesville Works which involves four acres of land centered on a one-acre hazardous chemical landfill located approximately one mile from the mouth of the Grand River. Mr. Bimber reported his concerns on the research waste material buried by the company on the one-acre site and distributed his written comments to the commission members.

Elly Hahn, citizen from Sandusky County, read comments and expressed her concerns about CAFO's and mega-farms in Sandusky County and the protection that is needed of Ohio's natural resources. Mrs. Hahn emphasized support for "family farms, not factory farms." The Commission Chairman asked the representatives from the ODH and ODA to meet with Mrs. Hahn following the meeting to provide information on how the state is addressing these issues.

#### **ADJOURNMENT**

Motion to adjourn was made by ODOT, seconded by OEPA, all in favor, the meeting was adjourned at 4:30 p.m.

Respectfully submitted,

*Ohio Lake Erie Commission Office  
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