

OHIO LAKE ERIE COMMISSION MEETING
Alum Creek State Park
Horace R. Collins Laboratory, Delaware, OH
May 31, 2007

The Ohio Lake Erie Commission (OLEC) meeting was called to order by the Commission Chairman, Sean Logan, Director; Ohio Department of Natural Resources, at 10:21 a.m.

Roll Call:

Sean Logan, Commission Chairman and Director; Ohio Dept. of Natural Resources (ODNR)
James Beasley, Commission Secretary and Director; Ohio Dept. of Transportation (ODOT)
Chris Korleski, Director; Ohio Environmental Protection Agency (OEPA)
Robert Boggs, Director; Ohio Department of Agriculture (ODA)
Gene Phillips, Director's Designee; Ohio Department of Health (ODH)
Brad Biggs, Director's Designee; Ohio Department of Development (ODOD)

Guests:

Eugene Braig, Ohio Sea Grant College Program
Pamela Davis, Northeast Ohio Areawide Coordinating Agency (NOACA)
Steve Davis, USDA – NRCS
Vicki Deisner, ODNR
Kyle Dreyfuss-Wells, Chagrin River Watershed Partners
Kurt Erichsen, TMACOG
Bill Goodman, Ohio Department of Agriculture
Edwin J. Hammett, Ohio Lake Erie Commission Office
Ed Hauser, Citizen
Gail Hesse, OEPA
Tim Hill, ODOT
Ted Lozier, ODNR
Ray Petering, ODNR
John Watkins, ODNR-Office of Coastal Management
Mark Wolfe, Ohio Geological Survey
Jill Woodyard, Ohio Lake Erie Commission Office

COMMISSION BUSINESS

Chairman's Report

Minutes

Motion was made by ODA and seconded by OEPA to accept the March 15, 2007 meeting minutes as presented with no changes. The Commission voted all in favor and the motion carried.

Executive Committee Report

The new Executive Committee Chair, Vicki Deisner, ODNR, was introduced by Director Logan as ODNR's new Environmental Policy Coordinator who will also serve as Chair of the Commission's Executive Committee. Ms. Deisner presented the Executive Committee report by reviewing the SFY 2008-2009 Biennial Budget proposal. The commission administers two funds: (1) Lake Erie Resource Fund for operations with its primary source of funding being Ohio's state share from the Great Lakes Protection Fund; and (2) Lake Erie Protection Fund that funds the grants program and is primarily supported by sales of the Lake Erie license plates. The budget request for operations is \$387,000 for SFY 2008 beginning July 1, 2007 and \$388,000 for SFY 2009 which would begin July 1, 2008. The budget request for the grants program is \$450,000 for both SFY 2008 and 2009. It was reported that Executive Director Ed Hammett, OLEC, presented the budget testimony before the House and Senate and it passed the House without any change. Currently the budget proposal is before the Senate.

The Executive Committee Chair presented the OLEC Annual Budget for SFY 2008 (July 1, 2007 – June 30, 2008) with explanation that it has been the practice of the commission members to approve the budget annually. The budget for operations for the year is \$387,000 and \$450,000 for the grants program. It was further explained that approval of this annual budget is only effective pending the Ohio General Assembly's approval of the Biennial Budget Proposal for SFY 2008-2009. Motion was made by OEPA, seconded by ODA to accept the annual budget. The Commission voted all in favor and the motion carried.

Grants Committee Report

Lake Erie Protection Fund - Small Grants Program

Bill Goodman, Grants Committee Chairman; ODA, reported that the majority of revenue generated for the Lake Erie Protection Fund's grants program comes from the sale of Lake Erie license plates. Both the Marblehead Lighthouse and Toledo Harbor Lighthouse plates were designed by Ohio artist Ben Richmond are available for Ohioans to purchase the Marblehead plate or renew their Toledo Harbor plate online at BMV's OPLATES web site at www.oplates.com. Each plate sale includes a \$15.00 donation to the Lake Erie Protection Fund.

Mr. Goodman presented the Grants Committee recommendations for Small Grant Projects submitted Fourth Quarter FY 2007 for a total amount of \$49,998. Motion was made by OEPA and seconded by ODOD to accept the committee's recommendations. The Commission voted all in favor and the motion carried to approve the following five grant projects:

- Cleveland State University for project entitled, "*Changes in Nutrient Structure of the Cuyahoga River*", Fasong Yuan, Project Director - \$10,000;
- National Center for Water Quality Research for project entitled, "*Soil Phosphorus Stratification with Reduced Tillage*", John Crumrine, Project Director - \$10,000;
- Case Western Reserve University for project entitled, "*The Prevalence of VHSV in Yellow Perch*", Dr. Joseph Koonce, Project Director - \$9,999; and
- Cuyahoga Soil and Water Conservation District for project entitled, "*Rocky River Backyard Buffers*", Jared Bartley, Project Director - \$9,999; and
- National Center for Water Quality Research for project entitled, "*Nearshore Hypoxia as a New Lake Erie Metric*", Dr. Kenneth Krieger, Project Director - \$10,000.

A second funding recommendation was presented that would assist the Commission in the implementation of the Balanced Growth Task Force recommendations for Best Local Land Use Practices (BLLUP.) The project is entitled, "*Implementation Assistance – Best Local Land Use Practices – Year Two*" in the amount of \$49,940 by Cleveland State University, Project Director: Kirby Date, AICP. The work would include conducting two additional technical workshops, assist in development of a DVD to promote and explain BLLUP, and assist with development of public education materials and other communication to promote the Practices. Motion was made by OEPA and seconded by ODH to approve this funding recommendation. The Commission voted all in favor and the motion carried.

The final Grants Committee recommendation was presented on the proposed changes to the Lake Erie Protection Fund's grant application process for SFY 2008. The proposed changes are: (1) increase small grant project funding from \$10,000 to \$15,000; (2) increase match requirement from 10% to 25% of the grant award; (3) add new section in the application entitled, "Budget Justification/Narrative" to provide space for budget details; (4) allow attachment of 1-page map to better describe the project area; and (5) remove the \$5,000 salary cap for the project director – Grants Committee would still continue to review salaries and consider appropriate level of funding versus full cost and scope of project. Motion was made by ODA and seconded by ODOT to approve the proposed changes to the grant application. The Commission voted all in favor and the motion carried.

It was also reported that 13 grant projects closed during Fourth Quarter FY 2007 and that these Final Reports are available online at the commission web site.

Ohio Lake Erie Commission (OLEC) ~ Office Report

Ed Hammett, Executive Director; OLEC, reported on the Commission's Public Outreach Programs:

- 2007 Ohio Lake Erie Awards – OLEC is seeking nominations for this year's Lake Erie Awards that are presented annually to the most outstanding citizen and organization devoting their life's work to the environmental stewardship of Lake Erie. This award enhances awareness of the citizens of Ohio and encourages their support of OLEC programs. Nomination forms are available online at the OLEC web site or by calling the commission office. Deadline for nominations is July 19, 2007 and the awards will be announced at the September commission meeting.
- Coastweeks 2007 kicks off at the September 5 Annual Meeting of the OLEC and runs through September 22. The focus this year will, again, be cleanup events along the Lake Erie shoreline and its rivers and streams. To date, eight cleanup events have been scheduled and more will be included as we continue to prepare for the program. The cleanup dates include: International Coastal Cleanup day on September 15 which is the largest one-day volunteer cleanup effort throughout the world; Ohio's *Clean Your Streams Day* on September 15 with several locations in northwest Ohio; and September 17 Put-In-Bay's annual Underwater Cleanup in its harbor. Ohio's *Coastweeks* program enhances public awareness about the value and fragility of Lake Erie and what we can do to help preserve and protect Our Great Lake. The Ocean Conservancy in Washington D.C is the cleanup sponsor who tabulates all the debris collected nationwide and around the world.
- "Life on Lake Erie" Photo Contest - OLEC is presenting its annual photo contest for 2007. The commission will announce and unveil the 2007 winning images at the September 5 annual meeting. Deadline for photo entries is July 19, five entries per household are allowed and photos can be taken between August 4, 2006 and July 9, 2007. You can view the previous winners online at the OLEC web site or visit the Lake Erie Commission Photo Gallery which is touring the shoreline and is currently being hosted by the Lorain County Visitors Bureau. This contest has been a *Coastweeks* event since 1992 and over 2,000 images are available for educational and environmental promotion of Lake Erie.

A review of the projects list for 2007/2008 Activities was presented, which is the main focus of the Commission staff, and includes: Public Outreach and Grants Program; Initiate 2009 Lake Erie Quality Index; Update Lake Erie Plan/Action List; and the Balanced Growth Program (Model Coastal Management Local Land Use Practices, Pilot Projects – Incentives and State Agency Work Group; Best Local Land Use Practices Training; and Indicators.)

The next Lake Erie Commission meeting will be held September 5, 2007 along the Lake Erie shoreline. Traditionally, this is the annual meeting and northeast Ohio is being considered for this year's meeting location.

Balanced Growth Program

Mr. Hammett reported on the implementation progress of the Balanced Growth program. A brief summary was presented on the two working documents, *Linking Land Use and Lake Erie – a Planning Framework and Best Local Land Use Practices*. The documents reflect the strategies of the Balanced Growth Task Force that met for over two years and their recommendations to balance the protection of Lake Erie with continued economic growth which were accepted by OLEC in April 2004. It was the consensus of the Task Force that land-use change is fundamental to Lake Erie and, in order to fully protect or restore the Lake, land-use change must be addressed.

The Task Force identified several options and explored what was done in other states. It was concluded that an approach tailored to Ohio was required and that it would be a voluntary approach with the state providing a supporting role for local decision making. The Task Force recommended watersheds as a geographic area for planning with approximately 35 watershed programs already in the Lake Erie basin. It was recommended that local development of Watershed Balanced Growth Plans could identify and designate: (1) Priority Conservation Areas (PCA's) for protection and restoration of critical ecological, recreational, heritage, agricultural and public access areas to improve

the local quality of life; and (2) Priority Development Areas (PDA's) that would maximize development potential and efficient use of existing infrastructure and promote revitalization of existing urban areas. Three pilot projects were selected to develop Watershed Balanced Growth Plans and to begin testing the Task Force recommendations in the watershed areas of the Chagrin River, Upper Branch of the Rocky River and Swan Creek in northwest Ohio.

The Task Force also recommended that state incentives and state support would be critical to the success of the Balanced Growth program. A State Incentives Strategy document was developed and approved by OLEC in June 2006. This document is an inventory consisting of existing programs and policies that state agencies can use to assist local governments in implementing their watershed plans. The Task Force further recommended a State Assistance Work Group (SAWG) comprised of state agencies also be established to assist the watersheds in identifying state technical and financial resources that can be used to support PCA's and PDA's, that the state agencies would provide agency guidance on utilizing support, and would become aware of the local watersheds' intentions. After discussion of this recommendation, the commission agreed to appoint a representative from each member agency to serve on this new work group. It was directed that the new work group will begin meeting this summer to conduct an organizational meeting, discuss specific goals and plans to initiate meeting with the Watershed Planning Partnerships.

Invited Reports

Implementing Balanced Growth in the Chagrin River Watershed

Kyle Dreyfuss-Wells, Director; Chagrin River Watershed Partners, Inc. (CRWP), presented an overview of their organization and an introduction of their Pilot Project being conducted in the Chagrin watershed and funded as one of the selected pilot projects under the Lake Erie Commission's Balanced Growth Program.

The CRWP is a non-profit organization formed in 1996 by watershed communities and is supported by members' dues and grants. Their board is comprised of member representatives with CRWP working directly with 35 cities, villages, counties, townships and park districts to minimize flooding and erosion, representing 90% of the Chagrin River watershed. CRWP works with the watershed communities in providing technical advice and assistance to local governments on land use related issues.

CRWP formed a Balanced Growth Steering Committee to assist in determining methodology, criteria and selection of Priority Conservation and Development Areas. To date, CRWP has identified recommended locations for draft Priority Conservation Areas (PCA's) and Priority Development Areas (PDA's) throughout the Chagrin watershed. The draft PCA and PDA maps were presented to their Board of Trustees in December 2006. A draft guidance document for member communities on methods to implement PCA's and PDA's was also distributed. The PCA areas are designated for open space protection and conservation development, i.e. conserving green space by cluster development, utilizing existing features, structures and topography. The draft PDA's being considered follow the existing highway corridors and existing built areas. The PDA's will incorporate community development goals, efficiently use infrastructure, will link to 208 wastewater infrastructure planning and transportation planning.

The next steps for the Balanced Growth pilot project will be to present preliminary PCA and PDA maps to interested members; assist with changes necessary in local regulations in order to implement PCA's and PDA's using Best Local Land Use Practices; review of TDR's (Transfer of Development Rights) as an option to implement PCA's and PDA's; finalize the PCA's and PDA's based on local input; provide funds for member comprehensive plan updates; and incorporate all these efforts into the Chagrin River Watershed Action Plan. State incentives are needed now to motivate and assist the local communities in order to go forward and accomplish these steps.

Report on Viral Hemorrhagic Septicemia (VHS)

Ray Petering, ODNR's – Division of Wildlife, reported on the lethal fish virus that has been discovered in the Great Lakes called VHS. The virus came over from Europe in the 1950's and in 1988 a new strain spread to the Pacific Northwest and continued spreading through the North Atlantic, Japan and Korea. In 2006, the western end of Lake Erie reported the fish virus. In October 2006, USDA's APHIS (Animal and Plant Health Inspection Service) issued an emergency federal order for a quarantined area in the eight Great Lakes states and two provinces. This banned live fish movement between quarantined states and provinces as well as live fish movement from quarantine areas to non-quarantine areas. In spring 2007, USDA APHIS issued an interim rule in which testing requirements were increased. In 2009, it is anticipated USDA APHIS will issue a permanent rule that fish cannot be moved across state lines. The short-term implications of the rule means live bait supply will be limited and more expensive; less than 25% of bait is produced locally, i.e. emerald shiners and fathead minnows. This could affect perch, steelhead, bass and muskellunge fisheries. ODNR will continue working with ODA in assisting with surveillance, establishing in-state testing facilities and intra-state fish movement regulations. This virus could spread quickly in the Great Lakes due to ship ballast water. The states need to continue to push for ballast water regulations. This virus will have an impact on wild fish populations in the short term.

It was reported that on May 3, 2007, Director Boggs, ODA, signed an emergency order prohibiting intrastate transportation, sale or distribution of 36 live fish species susceptible to VHS out of the affected region in northern Ohio. Director Boggs reported that the cooperation between agencies has been fantastic. The Commission Chairman stated that the Great Lakes Commission recently endorsed a Ballast Water Resolution at their semi-annual meeting May 15, 2007. He further stated the OLEC agencies need to consider how the commission together can help. Among the suggestions was a joint letter from all the OLEC members endorsing the ballast water issue. ODNR will keep the commission members apprised of the progress on the U.S. Senate Bill addressing this issue.

Agency Reports

Gene Phillips, ODH, reported on the Budget Bill and the new Sewage Rules that went into effect January 1, 2007.

Director Boggs, ODA, reported on ethanol production that has increased in the state and that it does not affect the riparian areas of the state.

Director Logan, ODNR, introduced the new chief of ODNR's Division of Water – Deborah Hoffman and John Watkins, chief of the Office of Coastal Management. It was also announced that July 9, 2007 is the Governor's Fish Ohio Day and the members of the cabinet are invited to participate.

Director Korleski, OEPA, reported on the newly formed *Lake Erie Phosphorus Task Force* that has started conducting their meetings. Members of the group are addressing the elevated phosphorus levels in the Lake. It was also reported that the Great Lakes Legacy Act dredging of the Ashtabula River will end in September.

Brad Biggs, ODOD, reported that the agency has been addressing budget issues in their Biennial Budget.

Advisory Committee Reports

Eugene Braig, OSU – Ohio Sea Grant College Program, provided an overview about Stone Lab, the Gibraltar island campus of Ohio State University in Put-in-Bay. It was reported that since 1996 the Friends of Stone Lab. have been awarding scholarships to students with outstanding projects at the Ohio Academy of Science's State Science Day. A total of 79 science-day scholarships have been awarded. It was further reported that the National Sea Grant Program was faced with a budget cut this cycle. Due to this cut, Ohio Sea Grant greatly appreciates sharing the support with OLEC in funding Dr. Thomas Bridgeman's grant (University of Toledo) entitled, "*Assessing the role of turbid river plumes in the development of Microcystis blooms in Lake Erie with molecular techniques.*" By halving this small grant project, Ohio Sea Grant was able to meet all of their commitments to investigators and new projects made in the last RFP cycle. Ohio Sea Grant just issued the new RFP soliciting pre-proposals for new projects to begin February 2008 or 2009. It was also announced that Stone Lab's Open House will take place on September 8. The Guest Lecture Series continues each

Thursday night on Gibraltar Island and you can also attend by video conference on OSU's main campus at Kottman Hall.

Steve Davis, USDA-NRCS, reported on the agency's Environmental Quality Improvement Program in which \$2.0 million has been dedicated to the Maumee River watershed. Among the issues to be addressed will be advanced levels of phosphorus, buffers, and five-year contracts to farmers working with the Ohio Farm Bureau. Additional water quality monitoring is being looked at for the Maumee, Blanchard and Tiffin rivers. Funding for new data will be used to develop and calibrate water quality models in the watershed. Mr. Davis reported he is also serving on the *Lake Erie Phosphorus Task Force* and is the point person for the Western Lake Erie Basin partnership and study which covers the area west of the Sandusky watershed.

Pamela Davis, NOACA, reported that NOACA will present workshops in June regarding storm water management plans. The workshops will help community engineers, service directors and building officials understand future directions and rules being presented by USEPA. OEPA will also present information on community compliance with storm water rules. NOACA will help communities with their local planning as they implement their programs.

Kurt Erichsen, TMACOG, presented a 1-page handout summary reporting on the progress of the Swan Creek Watershed Pilot Project which is one of the pilots testing the Balanced Growth Task Force recommendations. It was reported that this pilot project is unique compared to the others in that it is comprised of 23 political jurisdictions and spans Lucas, Fulton and Henry counties. A technical committee was formed and has compiled critical data in the project area which resulted in three data sets that maps out the areas of conflicting land use. The next pilot meeting takes place June 20 for the communities to review these data sets and determine the information fits into their current zoning or land use. It was stated that in order to sell the Balanced Growth Initiative to these communities, incentives are crucial to the program.

PUBLIC COMMENT PERIOD

Vicki Deisner, ODNR, announced that the Great Lakes Area of Concern Conference takes place June 28-29, 2007 and is being presented by the Great Lakes Commission. The LaMP Conference will take place in Toledo July 27-28, 2007.

Ed Hauser, citizen, handed out brochures promoting *River Day 2007* which is being presented by the Friends of the Crooked River on Saturday, May 29, 2007. This is the 17th year for *River Day* which is a public outreach program of 15 events taking place along the Cuyahoga River including cleanups, river walks, hikes and canoe trips. It was further reported that the Cuyahoga County Commissioners and the Cleveland's Mayor have "signed off" and have agreed on future plans of the Whiskey Island waterfront. Mr. Hauser submitted a letter of public comment to Director Beasley, ODOT, containing comments on the Cleveland Innerbelt *Conceptual Alternatives Study* and a request for a peer review of the Innerbelt Bridge Project. It was also reported that the USACE will begin public hearings this fall on plans for a 100 acre CDF.

ADJOURNMENT

Motion was made to adjourn, all in favor the motion carried and the meeting was adjourned at 1:03 p.m.

Respectfully submitted,

*James Beasley, Commission Secretary and
Director; Ohio Department of Transportation
Prepared by the Ohio Lake Erie Commission Office
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