

OHIO LAKE ERIE COMMISSION MEETING
Ohio Department of Agriculture, Reynoldsburg, OH.
June 5, 2008

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

Roll Call:

Sean Logan, Commission Chairman and Director; Ohio Dept. of Natural Resources (ODNR)
James Beasley, Commission Secretary and Director; Ohio Department of Transportation (ODOT)
Gail Hesse, Director's Designee; 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:

Dick Bartz, U.S. Geological Survey
Edith Chase, Ohio Coastal Resource Management Project
Dorothy Cibula, League of Women Voters –Lake Erie Basin Committee
Steve Davis, USDA – Natural Resources Conservation Service
Pamela Davis, NOACA
Kurt Erichsen, TMACOG
Wes Fahrback, U.S. Senator Voinovich's Office
Cody Fleece, Stantec Consulting
Bill Goodman, Grants Committee Chairman; Ohio Department of Agriculture
Edwin J. Hammett, Ohio Lake Erie Commission Office
Tim Hill, Ohio Dept. of Transportation (ODOT)
Cathryn Loucas, Executive Committee Chairperson; ODNR
Dr. Jeffrey M. Reutter, Ohio Sea Grant College Program
Chris Riddle, Ohio Lake Erie Commission Office
Bryon Ringley, Stantec Consulting
Jill Woodyard, Ohio Lake Erie Commission Office

BUSINESS MEETING

Chairman's Report

The chairman opened the meeting with an overview of the four action items that would take place during the meeting: (1) Annual designation of OEPA to administer the Commission's Lake Erie Protection Fund (LEPF) for grants and the Lake Erie Resources Fund (LERF) for operations; (2) Action on the SFY 2009 Annual Budget; (3) Action on the LEPF new grant guidelines and allocation for the small grants program reflecting recommendations adopted by the Commission in March; and (4) Action on the Lake Erie Protection and Restoration Plan 2008 which will provide important guidance as the agencies work on Lake Erie issues will also provide support for Biennium Budget preparations. After reports from the agency advisors and public comments, Director Boggs has invited everyone to tour the ODA laboratory facilities. This tour will serve as the meeting's special report.

Minutes

Motion was made by ODOD to accept the minutes of the March 19, 2008 meeting which took place at the Ottawa National Wildlife Refuge; motion was seconded by ODOT. The Commission members voted all in favor and the motion carried to approve the March minutes.

Fiscal Agency Designee

The chairman reviewed that annual approval is required to designate a fiscal agency to administer the Commission's two funds, the LEPF and LERF, according to Sections 1506.23 and 1506.24 of the Ohio Revised Code. OEPA has been performing this role and has agreed to continue to serve in that capacity. Motion was made by ODA to designate OEPA as the Commission's fiscal agency; ODH seconded the motion. The Commission members voted all in favor and the motion carried.

Executive Committee Report

SFY 2009 Annual Budget

Cathryn Loucas, ODNR and Executive Committee Chair; presented an overview of the State Fiscal Year 2009 Annual Budget that was appropriated in the current biennium by the Ohio General Assembly for both the Lake Erie Resources Fund (operations) and the Lake Erie Protection Fund (grants.) The Commission is asked each year to approve the budget for the upcoming year beginning July 1st. The annual budget for operations is \$388,000 with the primary source of funds coming from the Great Lakes Protection Fund (GLPF.) This year's amount from the GLPF is \$624,650 (2007 revenue.) It was reported that the Commission may need to manage for two years with this amount. GLPF has stated that 2008 does not appear to be a strong year for the economy. The Commission office will continue to be conservative and limit spending. The grants budget is currently appropriated at \$450,000 with a projected budget of \$400,000 for SFY 2009 which is more in line with available revenue. OEPA moved to adopt the annual budget as presented; ODA seconded the motion followed by discussion.

Director Logan asked about the \$22,000 amount for Personal Services Contracts. Ed Hammett, OLEC Office, explained that these monies would be for assistance training for the Balanced Growth Program. The Commission members voted all in favor and the motion carried to approve the SFY 2009 Annual Budget.

"Draft" Lake Erie Protection and Restoration Plan 2008 (LEPR 2008)

Cathryn Loucas reported that the Executive Committee has reviewed the "draft" LEPR 2008 and is prepared to recommend the document be released as a draft for public comment and would return in September with a final plan for approval by the Commission. Ed Hammett, OLEC Office, provided an overview and background on development of the LEPR 2008 and thanked each Commissioner and their agencies for turning around their plan information under such a tight time schedule. It was reported that the purpose of the plan is to identify the State of Ohio's strategic direction and near term actions related to Lake Erie and its watershed. The plan communicates what is being done and coordinates its action through the Commission. It is organized into 10 Ohio Priorities with a Goal and Strategic Objective for each that needs to be carried out by 2014. Actions will depend upon funding in the next biennium budget. The priorities include: Invasive Species; Coastal Health; AOC's; Toxic Pollutants; Habitat & Species; Nonpoint Sources; Indicators & Information; Sustainable Development; Great Lakes Water Withdrawals; and Climate Change. Nonpoint Source Pollution was presented as a Priority example with its Goal being to reduce nonpoint source loadings to the Lake Erie tributaries. The Strategic Objective is to reverse increasing nutrient loading, especially dissolved reactive phosphorus; facilitate adoption of model regulations for storm water management; reduce agricultural sediment loading by 33%; and implement approved management measures in Ohio's Coastal Nonpoint Pollution Control Program. For each Strategic Action in the plan, there is an action that would occur over the next three years and assigned to an agency and multiple agencies to implement. For example, under Nonpoint Source Pollution would be OEPA's completion of the Phosphorus Task Force recommendations report; implementation of priority Phosphorus Task Force recommendations; and adopt new water quality criteria for nutrients in 2009. The proposed timeline for the "draft" plan includes a public comment period from June 13 – July 18, a final "draft" would be provided to the Executive Committee in August, and in September the final document would be brought before the Commission for approval.

Mr. Hammett reported that the intention is to secure approval of the LEPR 2008 as a "draft" plan today, then the Commission Office would send out the document for public review followed by preparation of a final document for adoption at the Commission's September meeting. This "draft" plan will replace the LEPR 2000 and Ohio's Lake Erie Action List, and that all actions within the plan

have been created in conjunction with the Commission agencies. ODOD will have more information as their Strategic Plan is released and will be reflected in the September edition.

Discussion: Director Logan asked what is meant by “sending out for public review”? Mr. Hammett explained the “draft” would be released to the advisors of the Commission for comment and did not anticipate an open house for the public comment period. It was recommended that the “draft” document be provided at libraries along the shoreline. Director Logan stated that the Commission members wanted to make the LEPR more manageable and wanted a more workable document. The LEPR 2008 is intended as a State of Ohio action. Motion was made by ODOD to approve the LEPR 2008 as a “draft” plan; seconded by OEPA. The Commission voted all in favor and the motion carried to approve the LEPR 2008 as a “draft” plan and that the final document would be brought before the Commission at their September meeting for approval.

Grants Committee Report

SFY 2009 LEPF Program and Funding Priorities

Bill Goodman, ODA and Grants Committee Chairman, reported that the majority of revenue generated for the Lake Erie Protection Fund (LEPF) awarded for grants is from sales of the Lake Erie License Plates which Ohioans can purchase online at the OPLATES website through BMV. Each plate sale represents a \$15.00 donation to the LEPF. The SFY 2009 Small Grants Application and Guidelines were presented which included five recommendations approved by OLEC at their March meeting. These included: (1) Portion of the grant funding should remain as is. Funding would be available to fund a wide variety of Lake Erie projects which address any of the issues in the updated LEPR. This would include a continuation of the small grants program up to \$15,000 per grant; the Commission would determine a portion of the dollars annually; (2) Portion of the funding should be focused on “targeted” Lake Erie program priorities that the Commission would determine annually. This will allow the Commission to direct funds to achieve a priority goal; (3) Outreach component should be part of each project that would ensure the results of the project are circulated through the proper agencies. The Commission agencies would play a role in passing information on to the general public; (4) Increased level of state agency involvement should be required for each project by designating an “agency advisor” responsible for working with the Commission staff and grantee to guide the project; and (5) Increased evaluation of the impact of the projects should be required as a part of each project with qualitative or quantitative feedback on the project outcomes as part of the final report. The recommended funding levels were also presented for the SFY 2009 budget year: \$100,000 for the Small Grants Program; \$225,000 for “Targeted” Priority Grants; and \$75,000 for the Balanced Growth Program for a total budget of \$400,000. The small grant cycle timeline was also presented which covers four quarterly cycles with application dates allowing a six-week review period prior to each Commission meeting. Proposed applications dates are: August 1, 2008; October 31, 2008; February 6, 2009 and April 24, 2009. Motion was made by ODA to approve the Application, Guidelines and Budget Allocation as presented; seconded by ODH. Discussion: ODOD asked if the \$100,000 for the Small Grants Program was sufficient. Grants Manager Chris Riddle stated that there is approximately \$80,000 that would carry over into the new fiscal year. ODOD also asked, if the money were to run out (small grants), would the priority money be available. The Commission Chairman stated there is a chance it would not be available. The Commission voted all in favor and the motion carried to approve the SFY 2009 application, guidelines and budget allocation.

Ohio Lake Erie Commission ~ Office Report

Balanced Growth Program – Implementation Update

Ed Hammett, OLEC Office presented an update on the Balanced Growth Pilot Watershed Planning Projects wherein their draft PCA's and PDA's are being reviewed by local governments. Medina County (Rocky River Pilot Project) has been the first one to meet the 75% test of support from their local governments in the watershed. The Pilot representatives have met with the State Assistance Work Group (SAWG) and are now in process of following up with their recommendations. This has helped SAWG to improve the process. It was reported that the other watershed projects are moving along quite well at this time. Two Best Local Land Use Practices work shops were conducted this spring in Findlay and Valley View, and we have initiated Technical Assistance in two townships (Springfield in Lucas County and Eaton in Lorain County) both having significant land use change areas. The Best Local Land Use Practices DVD is being developed which is a 15-minute program with

two segments. The first part being motivational with developers and local officials discussing what is good about the Practices and the remaining 10 minutes what the Practices entail. Taping is underway with the first draft being prepared by the end of June. The DVD will be at the September OLEC meeting. The DVD is funded in part by the *Giving Back Gang*, a philanthropic group from the Cleveland area and a production company has been hired to complete the DVD. Discussion: OEPA suggested the Office should consider putting this information on YouTube. It would be a good interface for others, easy and low cost. The Commission Chairman agreed that it would be a good idea.

2008 Public Outreach Programs

Coastweeks 2008

Plans are underway for *Coastweeks 2008* with event planning forms and information now available. The annual program kicks off September 12 and runs through September 21, 2008. The focus for this year's program, again, is a strong emphasis on cleanups taking place along the Lake Erie shoreline, its beaches, rivers and streams. July 8 is the deadline for organized event information to be included in the *Coastweeks Times* publication. The Commission website will continue to include all cleanup events right up to the program kickoff and throughout *Coastweeks* for the latest, up-to-date information. Among the annual events being planned this year are: Clean Your Streams Day September 13 with seven cleanup locations; Dive! Put-in-Bay Harbor Cleanup September 15; the International Coastal Cleanup on September 20 which includes the Maumee Bay Coastal Cleanup and coastal campout, Old Woman Creek, Arcola Creek, Magee March cleanups and the "Trash Attack" at East Harbor State Park. *Coastweeks* enhances public awareness of the value and fragility of Lake Erie and its shoreline.

2008 Ohio Lake Erie Awards

A call for nominations has been released for the 2008 nominees. Application forms are available at the Commission website or by calling the Commission office. The awards were established in 1995 for purposes of honoring Ohio's citizens and organizations that have made outstanding contributions to enhance our Great Lake. This award enhances awareness of the citizens of Ohio and encourages their support of the Commission programs. Deadline for nominations is July 11. Action: The Commission Chairman asked that a copy of the previous award recipients be sent to the Commission.

2008 "Life on Lake Erie" Photo Contest

The Commission is conducting its annual "Life on Lake Erie" Photo Contest this year. The Commission is seeking photos from along Ohio's Lake Erie shoreline and throughout its watershed with no limitation of categories. Photos can be taken during all the seasons between July 20, 2007 through July 8, 2008. Deadline for entries is July 11, 2008. Contest flyers are available at the Commission website or by calling the OLEC Office.

The next OLEC meeting will take place on September 12, 2008 at the Lake Erie Nature & Science Center in Bay Village, Ohio (*Note: At the printing of these minutes, the September meeting has been changed to September 30th at the same location.*)

Agency Reports

Chief Gene Phillips, ODH, reported that this week the Bureau of Environmental Health at the agency started its Beach Monitoring Program and that all beach results will be posted at the ODH website. (www.odh.ohio.gov)

Director Beasley, ODOT, reported that most of the Lake Erie Watershed signs are now installed. It was further announced that a series of regional meetings of the Ohio 21st Century Transportation Priorities Task Force are scheduled around the state. One is scheduled June 10 in Toledo at UT; June 17 in Cleveland and June 23 in Akron. The meetings will look at future transportation in Ohio, not just for highways, but also other modes of transportation as well. The Task Force is looking to create a vision for the future and seeking Ohioans input on the type of transportation system they believe Ohio needs in the 21st Century.

Director Logan, ODNR, reported that the new Submerged Lands Permit Rule package will be coming out soon. The agency was given a directive to revise the Submerged Lands Lease Program. The Coastal Resources Advisory Council will hold public meetings on the draft document. The rule package will be a protective resource and good program. It will be followed by the new Coastal Erosion Designation Policy which the agency is required to update every 10 years. It was further reported that due to 2008-2009 budget cuts within ODNR, the Scenic Rivers Program will be moved to the Division of Watercraft, currently it is under DNAP. The capital budget included a commitment for Middle Bass Island with \$4.0 million for improvements and amenities to the Middle Bass Island Marina. On Page 28 of the "draft" LEPR 2008 under Habitat & Species, ODNR's action item is to ensure effective removal of the Ballville Dam in the Sandusky River. Dick Bartz, USGS, who attended the meeting, stated that they have been working on this for two years and have agreed to build an upland reservoir, then remove the Ballville Dam and restore 22 miles of the fishery. ODNR met with the Controlling Board this week and have received approval. Also, there have been significant conversations on the Great Lakes Compact and the Senate will be back meeting next week and hope to move the Compact forward.

Director Boggs, ODA, welcomed the Commissioners and attendees to the ODA campus and invited everyone to a tour immediately following the meeting of their laboratory facilities which are the finest in the country testing plant and animal tissue. Presently, the VHS virus is being tested with Ohio Sea Grant and ODNR supplying the tissue samples. It is being found that the virus is moving into other watersheds besides Lake Erie. It was further reported that five ethanol plants are now online and will be interesting to see the soy and corn production. ODA appreciates the Clean Ohio Fund with \$2.0 million being used to preserve agricultural areas and farms.

Gail Hesse, OEPA, reported that Director Korleski is currently in Chicago at the Climate Registry Meeting for purposes of developing protocols and reporting requirements around the country. It was further reported that the Lake Erie Phosphorus Task Force work is well underway with recommendations being made for better tools to manage the landscape. The Task Force work will wrap up its work in September. It has been found the phosphorus being dissolved is related to runoff events with agriculture rising to the top as a key source. Results will be reported at a future Commission meeting. The Director is committed to changes in open lake disposal and the agency is working on reinstating a Lake Erie nearshore monitoring program.

Brad Biggs, ODOD, reported that the agency is trying their best efforts to bring new business to Ohio. The new bond issue will help to expand the business now in Ohio and focus on renewable energy. There are resources already available in the State to produce solar and wind energy. ODOD is partnering with ODA to look at all potentials for agri-business. The new energy bill was passed and this will be another piece of the puzzle for new technology in Ohio.

Advisory Committee Reports

Edith Chase, OCRMP, stated the Great Lakes Compact work in Ohio is good news. An article in the Plain Dealer on May 24 regarding beach monitoring programs reported that some of the biggest problems have been combined sewer overflows from Akron and Cleveland. Ms. Chase encourages the Commission to use their efforts regarding failing septic systems contributing to the problems.

Dr. Jeffrey M. Reutter, Ohio Sea Grant College Program, reported that State Legislature Day will kick off July 18 at Cedar Point and finishing at Put-In-Bay. NOAA will meet July 16 and 17 or their Advisory Board Meeting and September 6 will be Ohio Sea Grant's Open House at Put-In-Bay. It was further announced that Kelly Reisen has been replaced by Tory Gabriel. Sea Grant is also in process of advertising for a new Clean Marinas Coordinator. Gary Comer has left that position joining ODNR. Six small grants were just awarded and one collaborative project with the Lake Erie Protection Fund on a dead zone study. A new collaboration was announced with the Ohio Division of Wildlife on a long-term lease of the State Fish Hatchery and all the facilities at Put-In-Bay. Dr. Reutter further stated that Gail Hesse, OEPA, has done a wonderful job in leading the Lake Erie Phosphorus Task Force Group.

Steve Davis, NRCS, reported on the new Farm Bill with new nationwide rules being written this fall. New rules will be needed this coming spring; erosion issues the last 12-month period have been significant with spikes in delivery of sediment to Lake Erie. NRCS has been very pleased with the support of the Commission Office on the Western Lake Erie Basin project and are in process of amending the agreement with the Commission to extend the funding for another year. Part of the project will help local watershed groups with information materials to increase their identification. Funding will be offered through the Maumee Valley RC&D as competitive grants. This will be announced mid-June and they will start taking applications at that time.

Pamela Davis, NOACA, reported that the agency underwent an internal re-organization in January. There is one division of Planning and Programs and the environmental staff is under the Sustainable Development area. Transportation, Facility Planning and Sanitary Sewers will help with PDA's and PCA's. The agency is working on engaging stakeholders in how to reduce carbon with non-profit organizations being involved. Air pollution problems are being looked at during the hot weather episodes having high levels of ozone and air pollution.

Kurt Erichsen, TMACOG, handed out the agency's annual report to the Commissioners and reported on updating facility planning areas. TMACOG is planning a series of meetings with agencies that need mitigation projects. He further reported on the 319 grant program for replacement of septic systems with 70 systems already being replaced in the Toledo area. The new Sewage Rules have helped to make the program a success. A concept plan has been submitted which is a wetland design/wetland system to control bacteria at Maumee Bay State Park. The Commission Chairman thanked TMACOG for their work in this area. It was further reported that the Swan Creek Pilot Project has completed their priority areas and are now taking the recommendations to the local jurisdictions. They have presented to 11 out of the 43 jurisdictions. Director Logan stated he would like to help and that the Ohio Township Association has been supportive. Their magazine could help publicize the program. It was recommended that someone from a township be the byline for the article.

PUBLIC COMMENT PERIOD

Dorothy Cibula, League of Women Voters – Lake Erie Basin Committee, provided comments on the mandated Coastal Management Program to protect and improve the waters of Lake Erie and its shoreline. Concerns were expressed about another planning proposal by the Cleveland Port Authority that would affect the state marina at Gordon State Park. She stated that they (Port) would be taking away the waterfront. Director Logan has toured the area and stated the agency has made it clear the final agreement must be in writing and that the Gordon Park shore was suppose to be rebuilt; ODNR has made it clear what the agency expects. Ms. Cibula further thanked the Commission for taking care of our Great Lake and distributed a book to each entitled, *Great Lakes Water Wars* by Peter Annin. The Commission Chairman thanked Ms. Cibula and Brad Biggs, ODOD, stated he would make certain the Lieutenant Governor Fisher would receive the book.

Special Report

The Ohio Department of Agriculture hosted a tour for the Commission members and meeting attendees of the agency's laboratory facilities. The tour was lead by Dr. Byrum and Dr. Lee and included the Animal Disease Diagnostic Laboratory and Consumer Analytical Laboratory.

ADJOURNMENT

Motion was made to adjourn by OEPA, seconded by ODA, all in favor, the motion carried and the meeting was adjourned at 12:45 p.m.

Respectfully submitted,

James Beasley, Commission Secretary and Director; Ohio Department of Transportation

Prepared by the Ohio Lake Erie Commission Office