

OHIO LAKE ERIE COMMISSION MEETING
Center for Excellence, OEPA, Columbus
December 14, 2011

Call to Order and Roll Call – Commission Chair

The Ohio Lake Erie Commission (OLEC) meeting was called to order by Deputy Director Andy Ware representing the Commission Chairman, ODNR Director James Zehringer, at 10:06 a.m.

Commission Members Present

Andy Ware, Deputy Director, Ohio Department of Natural Resources (ODNR)
Scott Nally, 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)
Rocky Black, Director's Designee, Ohio Department of Agriculture (ODA)

Staff Present

Gail Hesse, Executive Director, Ohio Lake Erie Commission (OLEC)
Sandra Kosek-Sills, OLEC
Kristin Gardner, OLEC
Linda Zmudzinski, OLEC
Steve Holland, ODNR

Welcome and Agenda Overview: Andy Ware, Deputy Director, ODNR, and OLEC Executive Committee Chair

BUSINESS MEETING

Chairman's Report and Approval of the September 2011 Meeting Minutes:

The first item of business is the approval of the last meeting minutes.

A motion was made by OEPA and seconded by ODOD to approve the September 15, 2011 OLEC meeting minutes. No discussion was offered. The commission members voted all in favor and the motion carried.

Executive Committee Report:

Executive Committee Chair Andy Ware informed the Commission that the Executive Committee met earlier that month and discussed projects for approval for funding. The recommended projects will be presented by Steve Holland, Grants Committee chair.

Grants Committee Report – Lake Erie Protection Fund (LEPF): Steve Holland, ODNR

Steve Holland, ODNR, Grants Committee Chairman, reported that the majority of revenue generated for the LEPF comes from the sales of Lake Erie License Plates. Over \$9.3 Million donated to date.

(1) Small Grants Program (including Balanced Growth grants): Mr. Holland presented the Grants Committee funding recommendation for three small grant projects submitted during second quarter of

State Fiscal Year 2012 in the total amount of \$39,860. There are also two additional grants recommended for funding under the Balanced Growth Program in the amount of \$49,983. On behalf of the Committee, Holland introduced the following resolution:

Resolved, that the following LEPF small grants and LEPF Balanced Growth grant proposals be funded:

- **Sandusky Bay Algal Bloom Early Warning Study, ECHD, \$15,000**
- **Expanding Coast Guard Credible Data Collection, BGSU, \$9,860**
- **Linking Land Use & Yellow Perch Recruitment, UT, \$15,000**
- **Great Lakes Mall Infrastructure Program, City of Mentor, \$15,000**
- **Best Local Land Use Practices, CSU, \$34,983**

The resolution was moved by ODOT and seconded by OEPA as introduced with no additional discussion. The commission members voted all in favor and the motion carried.

Ohio Lake Erie Commission Office Report: Gail Hesse, Executive Director

Prior to beginning the Office report, Hesse pointed out the OLEC budget includes an amount for targeted grants dollars that have not been allocated for SFY 12. This has been intentional due to declining revenues in license plate sales. There is adequate revenue to cover the small grants but it is unknown how revenue declines will affect longer term grant funding.

Executive Director Gail Hesse presented the office report (see attached slides). Detailed information is in the briefing book and on the OLEC website.

(Commission Chair James Zehringer entered the meeting at 10:27 during the Balanced Growth Strategy portion of the office report)

(1) Ohio Balanced Growth Strategy 2011:

Executive Director Hesse presented information about recent progress in the Ohio Balanced Growth Program and the Ohio Balanced Growth Strategy referencing the briefing paper in the Commissioner's briefing books. She described the success of the piloting of the program by the Lake Erie Commission prompted the Ohio Water Resources Council (OWRC) to move forward with statewide implementation of the program. The revised Ohio Balanced Growth Strategy (2011) document dated December 14, 2011 provides the framework for statewide administration of the Ohio Balanced Growth Program by OLEC and the OWRC. The program will be guided by the State Assistance Work Group, comprised of senior staff in the member agencies of OLEC and the OWRC.

This document carries forward and updates the program elements as described in two documents previously produced by the Lake Erie Commission: Linking Land Use and Lake Erie: A Planning Framework for Achieving Balanced Growth in the Ohio Lake Erie Watershed, and The Lake Erie Balanced Growth Strategy (2007). Hesse then requested Commission action on the following resolution:

Resolved, that the Commission hereby adopts the revised Ohio Balanced Growth Strategy (2011) that updates the program documentation to reflect the statewide focus

The resolution was moved by ODA and seconded by ODOD to approve the Ohio Balanced Growth Strategy 2011.

Discussion: OEPA asked what is the timeline on the next update and review? Hesse replied that we need to create a workgroup to take a more comprehensive look at the program, once this work group is created, a timeline can be established. There was no further discussion.

The commission members voted all in favor and motion carried.

(2) Relocation of the office:

Executive Director Hesse introduced the discussion on the relocation of the office of the Lake Erie Commission from its current location in Toledo to Sandusky, Ohio. Hesse referenced the written briefing provided in the briefing book and explained the rationale for the relocation is threefold: cost savings in operational costs, the opportunity for the Commission staff to be more centrally located in the basin and the opportunity for sharing resources with ODNR offices also located in Sandusky. She explained that with this decision, two current Commission staff will opt not to change their headquarter county (primary reporting location) from Lucas to Erie County and layoff protocols would need to be implemented. Hesse then presented the following resolution:

Resolved, that the headquarter county of the Ohio Lake Erie Commission relocate from Lucas County to Erie County to facilitate better access to constituents in the area covered by OLEC and to reduce operational costs.

Ohio EPA Director Nally moved the resolution as presented and it was seconded by ODOT. A discussion followed among the Commission members.

OEPA: We appreciate the efforts that went into this decision; we understand it has been difficult.

ODNR: What is the lease term? Hesse responded that all State of Ohio leases are typically two years.

ODOT: Also stated appreciation for the consideration of cost effectiveness. We have had many folks going through relocation issues and appreciate the difficulty to staff. However, we agree that the move is the right thing to do.

ODOD: We commend the efforts toward reduction in costs. Cutting the office leasing costs in half is impressive.

Hesse commented that she wanted to let Commission members know that the employees affected by the relocation are valued staff members who have each made significant contributions to the work of the Commission. This has been a particularly difficult personal decision for them and despite the difficulty, the staff have conducted themselves with utmost professionalism.

There was no additional discussion. The commission members voted all in favor and the motion carried.

(2) Lake Erie Protection Fund (LEPF) Third Quarter suspension:

Hesse then broached the topic of the third quarter grant cycle of the LEPF. With the approval of the relocation of the office and the subsequent loss of two Commission staff, Hesse explained that sufficient

staff resources will not be available to administer the next quarter's grant cycle. In addition to the loss of the Commission staff, the Grants Committee chair is expected to be on paternity leave during this time, further complicating the ability for the Commission to respond to applicant's needs and provide adequate review for project applications. Hesse requested the following resolution by the Commission:

Resolved, that the Ohio Lake Erie Commission suspend the LEPF grant application submittal, review and award process for the third quarter of SFY12, January 1, 2012 to March 30, 2012.

The resolution was moved by ODA and seconded by ODOD.

Question: Do we know of any apps or any particular projects? Hesse/Holland: Not that we know of specifically. We can consider projects in the next quarter. Many other grants tasks for current grants will still be occurring in addition to the activities related to the office move.

ODNR: Can we let people know directly, and hold applications?

ODOT: Agree we can still hold any that come in for consideration in the following quarter.

ODH: Can you cover the administrative activities and response to existing grantees?

Hesse: We will need to update the web site, also we have a common pool of applicants so usually they are knowledgeable and conversant with procedures. Remaining staff will handle the routine tasks as needed.

OEPA: That means there will be no vote on projects next meeting? Hesse: Yes.

No additional discussion. The commission members voted all in favor and motion carried.

There was additional discussion after the vote about existing organizations focused on Lake Erie. Several organizations were mentioned and comments made related to the viability of consolidation of two or more of these organizations. While these groups were created with particular purposes and organizational missions, an inventory of those we know about would be useful. The Commission requested an overview of Lake Erie focused groups at the next Commission meeting.

Special Reports

Brief Update on the *Merrill v. Taft* shoreline case: John Watkins, ODNR, Office of Coastal Management. Chief Watkins reports (see slides). The case was filed in 2004. It originally had 11 shoreline property owners but was later formed into a class for all properties along the lake in Ohio. This comes to 8,500+/- property owners. The vertical difference that the water level typically varies between (low to high) is 4.2 ft, which can be a substantial horizontal distance depending on the slope of the shore. Decisions were issued in the case by various courts in 2007, 2009, and 2011. We still need to work out definitions under the Ohio Supreme Court decision.

OEPA: Thank you for the overview and update.

Phosphorus, Algae and Lake Erie Fisheries: Roger Knight, ODNR, Division of Wildlife. (see slides). Ohio shares fish resources in Lake Erie with MI, PA, NY, and Ontario. This group has been cooperating since the 1970s. Lake Erie contains a suite of fish that provide diverse fishing opportunities. Diversity is important. Walleye abundance trends: since 1978, populations have varied between 10 million fish

(1978) and nearly 80 million (1988, 2006). There are currently about 20 million fish. Yellow Perch trend: peaked at 400 million in 2006, now around 100 million. Numbers vary by basin across the lake. ODNR DOW also collects total phosphorus (P) samples at fish collection sites. We have fisheries defined P targets (gray bars on graph, see slides). Phosphorus is trending up at all locations, some more than others. There is not a direct link between P and fish, links go through ecosystem effects on trophic levels and trophic interactions. This drives changes between tolerant to intolerant fish. A shift appears to be underway to more tolerant species. Walleye and yellow perch have intermediate tolerance. However, catch is dropping as P levels go up. The lake can recover but there are wild cards: climate change and Asian carp. Asian carp in particular is a very tolerant fish.

ODOT: How do the population trends look for this year? Knight: following existing trend slightly down.

ODOT: Why the ups and downs in P? Knight: We believe this is a response to rainfall levels.

Agency Reports

Myron Pakush, ODOT: Nothing new from September. Same projects ongoing. Innerbelt bridge project over Cuyahoga River: on budget, on time, look to complete by Sept 2013. Bulkhead construction in the river.

Rocky Black, ODA: Want to recognize new assistant director of Ohio Sea Grant Dr. Chris Winslow. There is a February deadline for the nutrient management package to go to the governor for Grand Lake St. Mary's and Lake Erie. Discussion is an open process, we have had four public forums so far. Contact ODA if questions. We are expecting a new director after the first of the year. All agencies working together on exotic animals issue looking to get that to legislature soon.

Asst. Director Andy Ware, ODNR: Last Friday, we were at special house session on the lake. We laid out an aggressive role for department to divert whatever available resources to P/algae issue.

Director Scott Nally, Ohio EPA: We've been moving a lot of cheese. Nutrient management – one leg of the stool, we are looking at the other two – municipalities and businesses – for nutrient management. Feb 1st deadline to feed into ODA led effort. Deadlines into the summer to respond to USEPA requests. Multisector general storm water permit went into effect yesterday, has a dissolved phosphorus focus. OEPA omnibus bill 11 tools; wetlands, in LSC, bill number coming.

William Murdock, ODOD: September projects still ongoing. Reorganization is still focusing on Jobs Ohio. Name change is coming: will be Ohio Development Services Agency. Business and Community services and energy programs, federal funds, will remain the same. We will go from 11 divisions to 2. Tourism office will remain, have met with Gail and looking at how can better coordinate with commission as tourism is key on lake. We were pleased with first meeting. We have a relationship with OWDA to support green infrastructure. Hope to see Great Lakes Mall grant awardees returning – we could loan the funds for that project.

Gene Phillips, ODH: (not present) departed 11:35.

Hesse: We are still expecting new members to the Commission per the language in the state budget bill.

Advisory Committee Reports

Ohio Coastal Resources Management Project: not present

Dr. Jeff Reutter, Ohio Sea Grant College Program: Kristin Stanford will be the new lab manager. Eugene is moving to an outreach position at NR dept. Dr. Chris Winslow is coming in from BGSU, his background is in fisheries and aquatic invasive species, he has taught at Stone Lab several summers. We want to focus in the program on P loading and algae. Will be hiring a research coordinator on that issue to have at the lab. We are phasing in upgrades to the lab to allow maximum work to continue. Sara Orlando – on at Green Marinas at OCM, has NPS expertise, we will expand that position. Synthesis Team project will continue, results from latest Forum were very impressive. We also hosted a meeting in Toledo for folks working on the Maumee River: 40 people attended – 75 researchers working at several institutions. Winter program January 23 in Columbus, Silent Auction, lecture etc. Partnership with OEPA: high sensitive atmospheric mercury monitoring device on SBI. Have selected 5 new research projects: total 11; will announce Feb 1.

Michelle Lohstroh, NRCS: We're a member of WLEB. Had a meeting on Monday, 60 people in attendance, members and advisors. Renewed interest in meeting. Will be reviewing strategic goals. GLRI efforts on hold pending budget, Blanchard River as a priority area. Will continue focus on nutrients, system approach, multiple practices. Includes monitoring with USGS to help determine which practices work most consistently. There has been a change in the coordinator at the national level: it will be Tom Kraft out of Wisconsin. The 590 standard has been reviewed and updated, this is a big driver for USDA. There will be some differences, we are still learning what the changes will be.

OEPA: if you get a summary, please pass it along. Lohstroh: Sure.

Ann-Drea Hensley, TMACOG: provided written comments

NOACA: not present

PUBLIC COMMENT PERIOD

Jack Madison, Catawba Island: I'm general manager of Catawba Island Marina. Sorry I have to be here. I am here as a business owner. This fall was unreal, major problem, kids and pets not going in lake, it was terrible. People could set beer cans on the algae. Jim Wildman, harbormaster, notes that customers and charter captains shying away. Many probably not coming back next year. The business community is not seeing the same intensity for Lake Erie as for Grand Lake St. Mary's. We are trying to form a Lake Erie Improvement Group. We were at the forum Friday; we know Nally is going to Washington soon. There is concern about the Detroit WWTP. Think the problem formulation should be a chair (four legs including the WWTP), not a stool. It is true it is normal for algae to come and go but this year was the worst. We have reports of items on beaches not related to agriculture. We also hear that sludge from the Detroit WWTP has been going onto Zug Island because their incinerator is not working. We need to get USEPA involved, get Michigan on board. This needs some quick action this winter.

OEPA: Duly noted.

Dave Spangler, Lake Erie Waterkeepers, Charter Boat Captains: In years past, people called about the fish. Past 3-4 years, it's how's the algae. Sometimes they rebook. Not doing that anymore, especially in

July-Aug-Sept. Algae is very high. Bloom in Oct especially thick. We made a 26 mile run, and never got out of the algae: Sandusky, Huron, Lorain areas are seeing new effects. We really need some action to happen this coming year. Business is down 25%-30%, part is the economy but algae is out of control. Would like to see all hands on deck effort like in Grand Lake St. Mary's. Thank you.

Written comment read by Executive Director Hesse (oil & gas).

Kristy Meyer, OEC: Great Lakes week will be Sept 10-14, 2012 in Cleveland at the Renaissance Hotel. AOC conference and GLC, IJC. Hesse: This was in the time frame of the commission meeting, but FYI the commission meeting for September has been moved...but we could hold a meeting that week if desired.

Jim Wildman: Comment for Director Nally: We would like to hear about the Washington response.

Adjourn 12:00.