

OHIO LAKE ERIE COMMISSION MEETING
Horace R. Collins Laboratory – Delaware Ohio
December 16, 2015 – 1:00 p.m.

Call to Order and Roll Call – James Zehringer, Director, Ohio DNR

The Ohio Lake Erie Commission (OLEC) meeting was called to order at 1:15pm

Commission Members Present:

James Zehringer, Ohio Department of Natural Resources (ODNR)
Laura Factor, Ohio Environmental Protection Agency (OEPA)
John Schlichter, Director's Designee, Department of Agriculture (ODA)
Tim Hill, Director's Designee, Ohio Department of Transportation (ODOT)
Karen Fabiano, Director's Designee, Ohio Development Services Agency (ODSA)
Harry Allen, Great Lakes Power Group, Chairman
J. Kevin Cogan, JonesDay, Of Counsel
Paul Toth, Jr., Toledo-Lucas County Port Authority, President/CEO

Staff Present:

Karl Gebhardt, OEPA
Leanne Greenlee, OEPA
Sandra Kosek-Sills, OLEC
AmyJo Klei, OEPA
Cindy Money, OEPA
Mary McCarron, OEPA

(11 observers)

Welcome and Agenda Overview – James Zehringer, Director, Ohio DNR

At the request of Governor Kasich, Chairman Craig Butler was unexpectedly called to Cincinnati and not able to attend the meeting. Laura Factor attended in Director Butler's place and Director Zehringer stepped in to chair the meeting. William Murdock, Mid-Ohio Regional Planning Commission, and Gene Phillips, Ohio Department of Health were also not able to attend. There is a quorum to proceed with the meeting. Roll call by Gebhardt.

Introduction of Horace Collins Lab staff, a tour of the facility offered after the meeting for anyone interested.

Allen moved the following resolution:

Resolved, that the Commission approves the meeting minutes for October 7, 2015.

Hill seconded the motion. No discussion. The Commission members voted all in favor and the motion carried.

Allen moved the following resolution:

Resolved, that the Commission approves the Ohio EPA (Craig Butler) as Chairman for 2016. ODOT seconded the motion. No discussion was offered. The Commission members voted all in favor and the motion carried.

Toth moved the following resolution:

Resolved, that the Commission approves ODOT (Tim Hill) as Secretary for 2016. Cogan seconded the motion. No discussion was offered. The Commission members voted all in favor and the motion carried.

Meeting Dates Discussion

The proposed meeting dates for 2016 were presented to the Commission members. In past years, two meetings were held in the Lake Erie watershed and two in Columbus. Commission members discussed this and decided by consensus that in 2016, three meetings would be held in the Lake Erie watershed (spread out geographically: west, central, east), and one in Columbus in December. The meetings are planned to start at 10am. No formal action required, advisory item.

Agency Reports

Karl Gebhardt, OEPA: Phosphorus collaborative, is scheduling meetings with interest groups. The Collaborative is to feed into Annex 4 process. Annex 4 going out for public consultation on the goals. Plan for Ohio is to have a draft Collaborative Implementation Strategy by March 1, 2016 to send out for public review and comment with final first rendition of the strategy in April. Michigan has their draft plan out. Gebhardt met with Ontario; they transitioning due to federal election. Looking to late summer/early fall before they will have an implementation strategy in place. Gebhardt testified on behalf of OLEC before the Sunset Review Committee with the recommendation that OLEC continue. Gebhardt is in the process of over-seeing implementation of Senate Bill 1 regarding sediment disposal in Lake Erie prohibition by 2020, up to the state to get a beneficial use program working. OEPA is currently working with Joe Cappel of the Toledo Port. CDF material in Toledo may be useful. Pam Allen is managing the beneficial use initiative and working with each of the harbors –on their plans. A beneficial use conference will be held May 11, 2016 at Lorain Community College targeted at dredging companies and the end-users. Working on a developing and informative website for the dredge material beneficial use program.

John Schlichter, ODA: We have been working on moving the ODNR Division of Soil and Water Resources over to ODA. Thanks to ODNR for cooperation. This will be important for assisting with the RCPP.

Karen Fabiano, ODSA: Are still continuing with the water program. Finalizing new gas station program with OEPA and is set to begin in the first quarter of 2016.

Tim Hill, ODOT: Passed out ODOT's climate change resiliency study executive summary. Infrastructure in the Lake Erie watershed is most at risk. The study will help better plan and implement strategies for the area's most at risk and Ohio as a whole due to climate change.

James Zehringer, ODNR: As mentioned by ODA, the transfer of Soil and Water from ODNR to ODA. This will help with the work to keep nutrients in the fields. ODNR staff had a small role in Argo situation. Watercraft and DOW had spotters working to assist as petroleum products were removed from the sunken barge. Great Lakes Commission call was held this morning. Directors Zehringer and Butler along with Gebhardt will be meeting with Congressional members on Lake Erie interests February 22-24 at Great Lakes Commission meeting and the Great Lakes Days

in Washington D.C. . Director Zehringer will chair The Council of Great Lakes Governors for Governor Kasich this coming year.

Director Zehringer asked if any of the other Commissioners had items to report.

Harry Allen, Jr., Great Lakes Power Group: Can we use the sediment for beach nourishment? Gebhardt answered we are currently working with Coastal on. There may be some opportunities based on the type of sediment; some sediment in the east may be sandy; e.g. Ashtabula, Conneaut. Toledo sediment does not have the right texture being a more silt loam. Allen referenced the Lake County Coastal Plan.

Paul Toth, Toledo-Lucas Port Authority: Not much to add to what Gebhardt said. Currently under construction for the beneficial use, trying to prove farmers that we can take dredge material and put it on farm fields to grow crops. Currently doing a demonstration and work is moving very quickly. Am curious to see if anyone has seen the changes to revised code regarding a lake development authority? Zehringer: Auglaize County taxing authority to fix lake, also treatment grants for the Grand Lake Authority overseen by a commission (County commissioners). It was carefully crafted and needs state park in area. It is very specific to that area.

Advisory Group Reports

OSU Sea Grant Program (Dr. Chris Winslow) - Funding from Ohio Department of Education for Lake Erie projects, currently 18 two year projects going on. One year written reports received, we will be generating a combined report January/February which also will come to agencies and be posted online. An example of a project is the Buoys from Sandusky Bay that are tracking algae blooms for water treatment. We are reporting back to chancellor's office regularly. Second round of funding will be available. Thanks to the various state agencies for input on research priorities. Forty-eight proposals came in with a total of \$5.8 million asked. Encouraged only 28 full proposals, and of those 95% of them are fundable. Of those encouraged, only about 15 of them will be chosen. OSG has slight increase in base funding this federal fiscal year. We are continuing outreach to SWCDs and Farm Bureaus. Workshop to discuss Stone Lab purpose and facilities moving forward (NSF proposal). Create network of field stations and labs, currently 12 universities recognize Stone Lab. New vessel in the OSG fleet transferred from USGS. This will enable further HABs and side scan sonar work. Great Lakes HAB collaborative science panel was held at GLERL. Toxin levels for 2015 were high at Grand Lake St Mary's, low in Lake Erie. What determines toxicity? That is a big unknown. (Dr. Jeffrey Reutter was also in attendance.)

Natural Resources Conservation Service – (not present, report given by Gebhardt) Meeting with John Schlichter and Terry Crosby. NRCS was asked to put together an agriculture plan for Western Lake Erie Basin. This was released a few weeks ago for comment. There is interest at the federal level in continuing to send funds. There is \$10 million in funding for the next three years for WLEB via NRCS in addition to other money being provided. The challenge is how do we get that money on the ground and through the NRCS process? A lot is going on with NRCS. Schlichter added we need to find projects with good deliverables and best management practices that can deliver the best bang for the buck. Gebhardt added another component of this is an increase of monitoring, document effectiveness, and target areas that have known problems. Zehringer asked about the edge of field study and when will the results be in?

Schlichter answered that they should be in sometime within January-February, there are some results that are being discussed.

Northeast Ohio Area Wide Coordinating Agency – Not present, no report

Toledo Metropolitan Area Council of Governments – Not present, no report

USGS (Dick Bartz) – Have some on-going and some new edge of field studies. Some sites include Blanchard, Sanginaw Bay, and Fox River Wisconsin. Looking into what is going on in the watersheds with water quality monitoring and what changes are the farmers making from year to year with the landscape. Taking the landscape changes and trying to correlate them with the changes in the water quality. Zehringer asked is if there will be a field tile inventory like in Iowa. Bartz responded that it is hard to find tile, and at times a farmer who knows where the tile is. Tiles can run drain in a field but may be from a different location. Winslow mentioned that Kevin C. at University of Toledo is looking at tile mapping with using aerials.

Public Comment Period

No public comments were offered.

Ohio Lake Erie Commission Office Updates

Gebhardt gave the office update. Gail Hesse retired and some other staff left. This is a good time to evaluate the office situation due to current low staff levels. Three previous positions are vacant and Kosek-Sills is ¾ time. The Governor's office is committed to maintaining a The Lake Erie Commission and a strong Lake Erie presence. Kosek-Sills will move to OEPA - NWDO and be involved in the phosphorus reduction effort. We are currently evaluating options for a Lake Erie office on Lake Erie.

Kosek-Sills spoke about the return of the Toledo Harbor license plate; the plate should be available at BMV's any day. There could be a need for advertising. The Coastal Cleanup Week has been transferred over to The Alliance of the Great Lakes; information is available via a handout. OLEC can help with the information release of cleanup week but will not be directly involved.

It was decided to suspend grants this quarter, therefore, no grants to approve.

Facilitated Discussion

Gebhardt introduced the facilitated discussion on the priorities and direction of the Commission going forward. Chairman Butler also has interest in evaluating OLEC's role in the nutrient issues and dredge/sediment management.

Mary McCarron and Cindy Money of the Ohio EPA are introduced as facilitators for the following discussion.

McCarron started the discussion by asking about the mission of OLEC.

Question What should be the Mission of the OLEC and what type of roles should the commission take in water quality issues?

Zehringer
Toth Let's not duplicate what other agencies/commissions are already doing
Understand what's going on, what's missing, and coordinate among programs.
Be more strategic, especially on funding. Need an understanding of who is
funding what and coordinate more.

Schlichter Collecting info and be the source of understanding. Maybe not coordinate
because sources are diverse but can certainly collect the information.

Cogan What's being done with the end product? How is that being utilized by others?
Connect effort to management, take advantage of previous work. Wonder if we're
fully realizing potential as commission, should we be trying to do more. Bigger
project with bigger result? Are we accomplishing a lot with small projects? Have
a library of all these studies that are being funded that could be used for others to
see what we are doing by creating a clearinghouse.

Kosek-Sills Gave brief background related to grants and the amounts awarded, small vs.
large.

Allen What action are we taking for each problem. Problems have come back around
from the 1970s to now. Some care and some don't; that's the education part of
the issue. Need to do better to transmit the knowledge that is available, would
like to concentrate on 1 or 2 mandates because of limited resources.

Cogan Second that. Education is a big role of the commission. Even start education in
the schools. Talk about the importance of the lake and what people can do to
help, as well as the importance to other areas (tourism).

*Question What is the role of the Commission in taking a lead on the dredge/sediment and
nutrient/phosphorus planning in the state?*

Allen We don't have a lot of resources to work with.

Schlichter Commission has taken that role in the past; lead of phosphorus task force in the
past. Commission should play a partial role in leading these efforts, but not being
the leader.

Allen What can we do to speed up the impact, make positive change. There are many
entities that are contributing in their own way to nutrient reduction. What can this
group do to start action now that wouldn't happen without this group?

Zehringer Maybe education is the role.

Allen (to Schlichter) This is going to come down to what is going on fields.

Schlichter Yes, and other agencies are involved too.

Allen If people are educated they can get behind the effort.

Gebhardt Multiple sources, various agencies working on various items together and
separately. Everyone can play a role. Do we have the right people around the
table, and should this be the agency/commission that drives and holds each
other accountable and moves the ball forward. Or should Ag come in and report
separately and Ohio EPA report separately, and this group oversee?

Allen Whatever staff and/or resources we have needs to be adamant with information.
We are lagging here and need to take action, whether it is filtering fields,
recycling manure, or cleaning up a river or stream with a treatment facility.

Hill Is it the Commission's responsibility to establish a plan? Or other agencies create
the plan and come to the commission for approval? Each agency has their own
virtues.

Gebhardt We are supposed to be coordinating, that is in the ORC.

Schlichter It comes back to education efforts. Everybody doesn't know what everybody else
is doing. General public may not know what Ag is doing or EPA is doing on an
issue. Important for each agency to understand what is being done by each other

agency. Gather all the information and be able to show people what is being done and make suggestions on future action.

Allen Sandra, What are some areas to evaluate?

Kosek-Sills Commission could provide better guidance to grantees, could add more education & outreach capability. Need to be more targeted and easier to summarize at the end of the year. Has been weak lately on education and outreach compared to the past, it is not so much of a funding issue but more of a staff issue and priority changes.

Gebhardt There are opportunities available right now.

Allen Can we subcontract someone, maybe at a state universities?

Gebhardt We most likely need a staff person to be more hands on and potentially coordinate education opportunities between agencies and other interests. Should there be a spokesperson for just the Commission?

Allen We need a PR person, a hotline center for responsible response to the community when issues arise.

Question What type of substantive things does the commission want to do in addition to education? Training? Outreach, formal or informal? Ideas?

Gebhardt An example would be the Dredge Material Management seminar being done by Ohio EPA. Should be a role done by OLEC to give it a face and drive knowing other agencies are going to feed into it? Would it be a way to get it visibility and initiative under the Commission? (Gebhardt to lead it either way)

Allen What additional value with its visibility could the Commission do better than the EPA to manage the sediment process? Commission could put more drivers in it and add value to it.

McCarron Mentioned laws and statues being developed for Commission moving forward.

Ware Provided OWDA example. Know where funding is available and set or promulgate priorities. Coordinate among state agency funders and a great opportunity for OLEC to play a role.

Toth One of the biggest opportunities as a commission is to understand where the pots of money are. Is not sure we can't direct them specifically, but could help coordinate and make recommendations on priorities of the Commission and recommendations/implementations of the LEPRP. Coordinate around the priorities and make sure everyone knows what those priorities are.

Kosek-Sills OLEC has a history with OWDA in regards to working with grants.

Ware Look a year out at priorities, what projects to go for.

Cogan Could become a clearing house on how best to educate, prioritize and fund projects to better protect the quality of the lake. OLEC needs another executive director sooner or later; somebody to set policy, visions, missions that are established, and implement/carry-out those items as well as the day-to-day items.

Kosek-Sills Need some capability for grants management.

Gebhardt Consolidation or direct commission grants to the represented agencies with grant management staff instead? Consolidate functions to a system that is already in place.

Toth Who commissioned the LEPR (Lake Erie Protection and Restoration) Plan? Referring more to an actual plan, not the protection funds.

Kosek-Sills The Commission was originally created at the direct request of then Governor Voinovich and protection fund was a part of the creation of the Commission. It's

in the ORC. The protection fund really took off when the license plates were introduced. The actual plan is part of what the Commission was charged to do.

Toth Would assume that there are all types of implementable items in the LEPR. Need to review the LEPR, at least semi-annual, see where we are, are we implementing it, are we coordinating it, what are our priorities within that list, and set that to help the agency direct the funding accordingly.

Gebhardt Lake Erie Protection Agenda, need to rethink some previous items that the LEC has been historically involved with. Should focus on coming up with the Lake Erie Protection Agenda/Plan for the March meeting.

McCarron Suggestion: A board retreat may help create strategic goals and plans for OLEC to implement while looking at priorities for moving forward.

Hill Thinks retreat is a good idea.

Zehringer Should sit down and see who is already doing what; Coastal is already doing items in ORC 1506.21 (B)(1), (2), (6), and (8). Sit down with the agencies and see who is doing what in order to not duplicate efforts. Concentrate on the focus/mission, whatever that may be. Look at education and see what we aren't doing. Support legislation that may be implemental.

Allen Sandra, what are you (OLEC) doing that you shouldn't/don't want to do? What would you like to do?

Kosek-Sills Would like to do more, can't think of anything to cut. Photo contest is a fantastic education and outreach method; publicity helps with small donations. Do more education and outreach – fact sheets, state voice of what we are responding to. Be the Lake Erie expert.

Toth Improve the website with more information about what is going on across the lake versus multiple sites to find information.

Reutter Commission has helped with not duplicating resources. Working together has created more positive outcomes and would love to continue the relationship. The relationship is important when it comes to the grants processes and allowing for more to be accomplished.

McCarron Major challenges appears to be getting work done and how to re-evaluate and re-focus.

Gebhardt Retreat in March and reach out to more groups for more opportunities. Look at economic issues involved on a broader scale. Look at Michigan for ideas of things to do

Fabiano Where does DSA fit into this? Changed their own mission and focus, doing an economic impact study with travel and tourism and willing to share when done. DSA is preparing to release a new travel and tourism plan. Definitely feels there is a role for DSA within the Commission.

Zehringer Big role for DSA, look at Florida with the red tide as an example.

Hill Do we look or discuss with other states on what they are doing?

Gebhardt Yes, work closely with GLC. Michigan has more of a coordination role rather than a formal office. New York and Pennsylvania have great lake offices.

Allen The Commission should be a hotline to what we are doing to combat negative statements and hopefully prevent some negative statements.

Zehringer Who manages OLEC's website? EPA?

Kosek-Sills Currently managing along with social media sites.

Gebhardt Currently evaluating website. Start decentralizing with program delivery and program development. Work on more relationship building.

Toth Have more meetings about Lake Erie, need to be more accessible to prevent uninformed groups from having meetings with misinformation. The people who could add value are not there.

- Allen Open-forums opportunities in lake communities and ports, Commission could help.
- Toth Not releasing good information and highlighting the positives; people are jumping to conclusions and spreading false information. Look into feedback from the lake community on what information they would like to see and what we need to do.
- Allen Address farm related bad press.
- Schlichter A challenge every day, it is an education process and addressing problem versus perception. A lot of education is needed in the agriculture industry as well as change.
- Allen Technical questions asked at a state level to scientific community related to HABs? This has been done at a federal level.
- Schlichter Ag hasn't, industries and universities have been working on over the years. Referenced edge of field study that is being conducted and provided discussion on what Ag is currently doing with farmers.
- McCarron Discussed ways to get the good message out there to help combat negative.
- Kosek-Sills Immediate goal: what is going to happen with quarter three grant cycles? Recommend proceeding.
Discussion was held on grant cycle and decision was reached to defer one more cycle.
- Factor Mid-biennium review early next year, have a discussion between now and March about refocusing and move legislatively.
- Toth Propose a meeting in January or February with a four-hour time block with the purpose of looking at the future.

Director Zehringer adjourned the meeting at 3:30 p.m.

Tour of Lab followed

NOTE: Next Lake Erie Commission Meeting: An additional meeting will be held to continue the facilitated discussion. Date to be determined, but will be before the next regular quarterly meeting.