

OHIO LAKE ERIE COMMISSION MEETING
Ohio EPA Center for Excellence, Columbus, Ohio
December 12, 2012 at 10:00 a.m.

Call to Order and Roll Call –James Zehringer, Commission Chair

The Ohio Lake Erie Commission (OLEC) meeting was called to order by Commission Chairman, ODNR Director James Zehringer at 10:00 a.m.

Commission Members Present:

James Zehringer, Director, Ohio Department of Natural Resources (ODNR)
David Daniels, Director, Ohio Department of Agriculture (ODA)
Scott Nally, Director, Ohio Environmental Protection Agency (OEPA)
William Murdock, Director's Designee, Ohio Development Services Agency (ODSA)
Tim Hill, Director's Designee, Ohio Department of Transportation (ODOT)
Gene Phillips, Director's Designee, Ohio Department of Health (ODH)

Staff Present:

Gail Hesse, Executive Director, Ohio Lake Erie Commission (OLEC)
Sandra Kosek-Sills, Ohio Lake Erie Commission (OLEC)
Rian Sallee, Ohio Lake Erie Commission (OLEC)
Heidi Rife, Ohio Lake Erie Commission (OLEC)

Welcome and Agenda Overview: James Zehringer, Director, ODNR, and OLEC Chairman

BUSINESS MEETING

Chairman's Report - James Zehringer, Commission Chair:

There are four actions before the Commission today. The first three address meeting minutes, 2013 meeting schedule, and designation of chair and secretary. The fourth action is a request for adoption of a document we will be briefed on shortly.

Ohio EPA moved the following resolution:

Resolved, that the Commission approves the meeting minutes for September 19, 2012.

ODH seconded the motion. No discussion was offered. The Commission members voted all in favor and the motion carried.

ODA moved the following resolution:

Resolved, that the Commission approves the 2013 meeting schedule.

Hesse indicated the briefing packet includes a handout with the following dates: March 20, June 19, September 25, and December 18. These dates have been vetted with each of the Commission members' offices.

ODSA seconded the motion. No discussion was offered. The Commission members voted all in favor and the motion carried.

Hesse briefed the Commission that a chairman and secretary must be designated annually. ORC Section 1506.21 states that: "The members of the commission annually shall designate a chair person, who shall preside at the meetings of the commission, and a secretary."

ODSA moved the following resolution:

Resolved, that the Commission designate Ohio EPA Director as chairman and ODOT Director as secretary of the Commission for 2013.

ODH seconded the motion. There was discussion of opening up the chair and secretary for all members of the Commission. The Commission members voted all in favor of the resolution as proposed and the motion carried.

Lake Erie Protection Fund

License Plate Design Report Gail Hesse, Executive Director, OLEC: Hesse presented several new designs to the Commission indicating that the Ohio Department of Public Safety has the final decision on the plate design. The Commission office engaged Browning Design, a Columbus-based graphics design company who developed many different design options which were narrowed down to those presented. The plan is to unveil the new plate along with the scheduled release of the Ohio Pride plate in spring of 2013. The current lighthouse plate will remain available. Hesse indicated that no decision was before the Commission today, and staff is looking for feedback from Commission members.

Director Zehringer asked if all three are going to be submitted. Hesse replied yes, and that the BMV will print the options on a special sheeting material to evaluate which option conforms best to requirements of the Department of Public Safety. Director Daniels asked about Perry's Monument and asked couldn't that be an option for a new design? Hesse stated that there is already a plate for Perry's Monument and The Perry Group, a nonprofit organization, receives the revenue from that plate. William Murdock asked when the final decision would be made and Hesse replied sometime this winter. Director Nally stated that the new plates will be out in April 2013. He asked if there were any other icons of Lake Erie instead of a more generic design. Jeff Reutter suggested we consider an image relating to the upcoming commemoration of the Battle of Lake Erie although others commented that such an image may have limited appeal (to history buffs) and while the commemoration will be a large event, it has a limited lifespan of interest.

Hesse stated the staff is examining the pricing structure of the different specialty plates offered by the BMV. Most plates are \$25 (the current price of the Lake Erie plate) and sport teams and universities are \$35. When purchasing a plate on the BMV website a customer does not know the price until check out as there is no option to compare costs across the different specialty plates. We will consider a \$30 cost but there is a risk of losing sales. It is difficult to know how sensitive the price point is as there is no marketing data. Any proposed price change will come back before the Commission for a decision but at this point we are just exploring the options. Director Daniels asked if we expect our numbers to change as a result of the design change and can we really change the sales trends? Hesse said the BMV expects a drop off of the number of specialty plates being offered in January due to low sales volume and not meeting minimum sales thresholds. The BMV advised Commission staff that new designs generally sell well and strongly recommended rolling out a new design with the new Ohio Pride plate. The longevity of the sales will remain to be seen.

Special Report:

Linking Land Use and Ohio's Waters: Best Local Land Use Practices presented by Kirby Date, Cleveland State University.

Kirby Date provided a slide presentation with an overview of the process in developing this edition of the document *Linking Land Use and Ohio's Waters: Best Local Land Use Practices*. She also covered the content of the document and highlighted the changes from the first edition.

The following information is from a briefing paper provided to Commission members about the project.

Background: The goal of the Ohio Balanced Growth Program is to link land use planning and decision-making with Ohio's water bodies, assuring ecological health and economic competitiveness. Since the inception of the program by OLEC in the early 2000's, providing training and resource information to local governments has been a critical component in making this link.

"Linking Land Use and Ohio's Waters..." provides a compendium of recommended practices that local governments and other stakeholders can use as a resource. The first edition of this document was published by OLEC in 2004 as "Linking Land Use and Lake Erie: Best Local Land Use Practices". This edition of the document has been developed in partnership with the Ohio Water Resources Council (OWRC) and reflects the statewide focus of the Balanced Growth Program. Additionally, this updated document incorporates new findings and research about current best practices and includes examples of where these practices have been adopted by local governments.

Updates to the Best Local Land Use Practices (2012) include:

- 1) References to Lake Erie have been modified to include the Ohio River watershed.
- 2) Redevelopment concepts have been added to chapters as appropriate.
- 3) Existing recommendations have been updated based on current best practices.
- 4) Some information has been reorganized for clarification and better emphasis on priority practices.

The update process also resulted in supplemental materials including matrices of code examples summarized and tabulated for easy reference; a bibliography of research showing the economic benefits of the practices; case study examples of practices used in Ohio; and checklists for code reviews. All materials have been extensively hyperlinked and cross referenced for ease of use via the Internet.

This 2012 document has undergone extensive review and comment since 2010. Approximately 40 outside experts in the field of local government planning convened to provide early feedback. A State Agency Steering Committee of senior staff of Commission and Council agencies also provided review and comments and the final draft has been reviewed by the Office of the Attorney General for compliance of the recommendations with state law. The document was revised based on comments received and sent out for public comment in October, 2012. The document can be found at:

<http://balancedgrowth.ohio.gov/BestLocalLandUsePractices/BestLocalLandUsePractices2012>.

The OWRC will be requested to take a similar action at its upcoming February 2013 meeting.

A motion was made by OEPA to approve the following motion:

Resolved, that the Commission hereby adopts "*Linking Land Use and Ohio's Waters: Best Local Land Use Practices*" (2012).

ODH seconded the motion.

Discussion: Director Zehringer stated that the presentation was great and very informative but wanted to clarify the focus and that we are not getting away from Lake Erie. Director Nally stated that

lots of communities have executed BLLUP initiatives with 319 and other grants. Hesse stated that we are co-administering the Balanced Growth Program in cooperation with the Ohio Water Resources Council so that Commission staff can maintain our focus in the Lake Erie basin. Zehringer thanked Kirby Date for all her efforts.

The Commission members voted all in favor and the motion carried.

SPECIAL REPORT:

The Toledo Harbor Sediment Management and Use Plan was presented by John Hull of Hull & Associates, Inc. The following captures the highlights of his presentation.

Dredging

Toledo Harbor dredging is the largest project (both cost and quantity dredged) in the Great Lakes. In fact, Toledo Harbor dredging alone constitutes 25% of the total dredging in the Great Lakes.

- 850,000 CY/yr. must be dredged to maintain minimum channel clearance
- 2M backlog – based on funding not open-lake restrictions

Most of the dredging occurs from approximately River Mile 0 to Lake Mile 6.

Placement Practices

-CDF Cell 1- Port owned; little to no capacity (approx. 100,000 CY remaining) based on current management practices; Port does not have sufficient capacity to accept the federally dredged material for even a single dredging season.

-CDF Cell 2 – Corps owned; approx. 2M CY remaining; some maintained for emergency, etc.

-Open Lake Placement Area – approaching “capacity” due to navigational safety concerns regarding current scow draft, low water impacts

The Port of Toledo’s Economic Impact

15 Marine Terminals

- Over 700 vessel calls
- 12 million tons of cargo/yr.

Jobs

- 6,971 indirect
- 2,521 direct with wages and salaries totaling over \$109 million

Revenue

- Direct business revenue totaled \$381.3 million (2010)
- \$154.7 million in state and federal taxes generated by cargo and vessel activity (2010)

Cargo includes coal, petroleum, aggregates, metal products, limestone, grain, chemicals, iron ore, steel products, cement, ores, minerals and sugar

- 50th leading U.S. port in 2010
- Toledo Harbor is ranked 7th among the U.S. Great Lakes Ports

Current Dredged Material Management Status

The Toledo Harbor dredging project is listed by the USACE as “critical,” with the potential for dredging issues to severely restrict channel availability within 5 years.

Investments in infrastructure & economic impact won’t matter unless Toledo’s dredging issues are addressed with sustainable solutions considering the needs of industry, community and environment.

For every one inch of reduced draft, a lake trading vessel forfeits 50 to 270 tons of cargo from their payload. Ocean vessels lose 115 tons of cargo for each inch of lost draft. Warmer winters, no/reduced ice cover, lower lake levels in the next decade can lead to more dredging required, resulting in critical volumes.

The international reputation of the Port of Toledo is on the line. One bad experience can cause a vessel never to return. We've got to be innovative and we can't keep doing what we have always done and expect different results.

Toledo Harbor Sediment Management and Use Planning

The Ohio Lake Erie Commission was awarded a GLRI grant in 2010 to create a sediment management strategy/plan for the Toledo Harbor that identifies and addresses:

- recommended short-term (1-5 years) options
- recommended long-term (30-year) options
- funding needs/sources/mechanisms
- timelines for implementation of recommended approaches

Toledo Harbor Dredging Task Force

Local and state entities must work together with the Corps on implementing beneficial reuse with a goal of eliminating current open lake disposal practices. However, there is also an essential need for state and local leadership that does not rely solely on the Corps. We must develop a local and state approach to solving this problem.

The Task Force currently includes members from local municipalities (Toledo, Oregon), state and federal agencies (Ohio EPA, NRCS), non-profits, Port and terminal operators, and universities (OSU). Legislative representatives are also invited to attend Task Force meetings. Note that upstream efforts are underway by a variety of organizations to address sediment erosion and sediment control. These upstream efforts or options for upstream management are not included as part of this project. The focus of this project is solely the management of dredged material. Lower lake levels could offset improvements.

The next steps will be to pursue funding for a pilot project on the agriculture field option. The chairman thanked John Hull for the very informative presentation.

The powerpoint presentation is on file at the OLEC office.

Special Report: Lake Erie 2012 Year in Review: HABs and Bacteria Monitoring

Gail Hesse and Jeff Reutter, OSU provided an overview of 2012 relating to the 2012 bacteria monitoring program, HABs, phosphorus targets under development by the Lake Erie Phosphorus Task Force, NOAA Forecasts and collaboration on Lake Erie sampling.

Director Zehringer asked what would be the ultimate correlation of all the monitoring data, what is Dr. Reutter's vision of it? Dr. Reutter stated it's an overall collaboration of all state agencies and universities involved. They are also making sure that the techniques in use are matching up. Sample schedules need to be lined up for more value. Anything that is new will be presented at the March 2013 meeting.

The powerpoint presentation is on file at the OLEC office.

Office update – presented by Hesse

The OLEC website is updated with a new look to conform to new state standards. There is work being done to further develop the OLEC Facebook page and to generate content.

Coastweeks was successful for 2012. The number of volunteers increased to 1,307 and 21,195 pounds of trash was collected. A total of 20 clean ups were completed.

Agency Reports and New Business

Director, David Daniels, ODA: All is quiet at ODA.

William Murdock, ODSA: Two funding updates 1 - green storm water - 2 -modified programs for gas station sites. Both are part of the Balanced Growth.

Gene Phillips, ODH: The beach monitoring program is wrapping up and finalizing.

Commission Chair Zehringer turned to Deputy Director, Karl Gebhardt, ODNR for the following report: Meeting regarding conservation practices and making changes to them. Asian carp issues are still being monitored. A Great Lakes Commission board meeting is this weekend. There is also on going help with clean up on Hurricane Sandy.

Tim Hill, ODOT: Highway habitat with ODNR partnership putting nesting boxes for American Kestrel along highways. It is a very simple way to help the environment.

Director, Scott Nally, OEPA: Working on 2013 at delisting sites on AOC's.

Advisory Group Reports:

- OSU Sea Grant Program: Annual winter program in January 2013 at the Longaberger Center – 2012 was a good year – lab was appreciative of directors being part of lecture series.

PUBLIC COMMENT PERIOD

No comments were made.

Director Zehringer adjourned the meeting at 12:23 p.m.

Powerpoint presentation slides used at this meeting are on file at the Ohio Lake Erie Commission Office.

NOTE: Next Lake Erie Commission Meeting: March 20, 2013 ODNR West Conference Room, Building E Assembly Center, 2045 Morse Rd. Columbus, OH 43229.

The meeting time and location were subsequently changed to 9:00 a.m. – 11:00 a.m. at Ohio EPA in the Center for Excellence.