

OHIO LAKE ERIE COMMISSION MEETING

Vern Riffe Center, Columbus

March 21, 2012

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 10:15 a.m.

Commission Members Present:

James Zehringer, Deputy Director, Ohio Department of Natural Resources (ODNR)

David Daniels, Director, Ohio Department of Agriculture (ODA)

George Elmaraghy, Director's Designee, 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) – on his way, will be approximately 15 minutes late.

Staff Present:

Gail Hesse, Executive Director, Ohio Lake Erie Commission(OLEC)

Sandra Kosek-Sills, Ohio Lake Erie Commission (OLEC)

Laurie Cleaver, ODNR, Office of Coastal Management (OCM)

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

BUSINESS MEETING

Executive Committee Report Gail Hesse, Executive Director, OLEC:

There are three actions before the Commission today: (will discuss but wait for Gene Phillips, ODH to arrive before taking the vote)

1. Approval of December 14, 2011 OLEC Meeting Minutes
2. Designation of Commission Chair and Secretary as required by ORC 1506.21
3. Proposed Endorsement of 2 Watershed Balanced Growth Plans – Furnace Run and Eastern Lake County Coast Tributaries

Balanced Growth Program:

Executive Director Hesse presented information about recent progress in the Ohio Balanced Growth Planning Partnership Watersheds. Two are proposed for endorsement that requires Commission action: Furnace Run and Eastern Lake County Coast Tributaries (ELCCT). The Eastern Lake Erie Coastal Tributaries are considered the most sensitive area along the shoreline and in the Lake Erie Basin. Furnace run is in the Cuyahoga River watershed. This will bring the total number of Lake Erie watersheds with endorsed Balanced Growth plans to 9. There are now a total of 2,162 square miles, 269 total number communities and 131 final supporting communities across the state. Furnace Run has

an engaged community providing outreach through informational brochures, posters and presentations. There is also a planting restoration project and developing friends group.

Eastern Lake Erie Coastal Tributaries have identified PCAs, PDAs and PAAs and have an implementation plan for each designated area.

PDA implementation activities include: Revising local zoning ordinances/resolutions; work with local agencies to promote sewers in PDAs; incorporate commercial recreation activities - where appropriate, along Lake Erie and the Grand River; continued growth of economic development districts; and promote infill development activities.

PCA implementation activities include: Adopting and/or revising riparian setback ordinances/resolutions; adopt coastal erosion setbacks; open space acquisition; increase participation in county stormwater management utility; and zoning amendments.

PAA implementation activities include: Creation of agricultural security areas; participation in farmland preservation programs; agri-tourism; increase participation in CAUV program; and zoning amendments.

Gene Phillips, ODH arrived at 10:35 a.m.

The plans have been reviewed by the State Assistance Work Group and the OLEC Executive Committee. The criteria applied in reviewing the projects is whether the plans:

- Address the Balanced Growth Goals
- Identify PCAs, PAAs and PDAs
- Demonstrate that the process was open and inclusive
- Achieved local consensus
- Included adequate local representation
- Included coordination with state agencies

As the areas engage in the Balanced Growth Program, there is a three-level test which includes getting support from 75% of population, land area and communities within the watershed. They must meet the 75% threshold twice: once to agree to participate in the Balanced Growth watershed planning process and a second time to support the plan once completed.

Three action items can now be voted on:

Approval of December 14, 2012 Meeting Minutes

A motion was made by ODA and seconded ODOT to approve the December 14, 2011 OLEC minutes as written. No discussion was offered. The commission members voted all in favor and the motion carried.

Election of chair and secretary of the OLEC

ORC 1506.21: “...The members of the commission annually shall designate a chairperson, who shall preside at the meetings of the commission, and a secretary.”

The following resolution was moved by ODA and seconded by Ohio EPA:

RESOLVED: that the Commission hereby elects the Director of ODNR to serve as chair of the OLEC and the Director of ODOT to serve as secretary of the OLEC.

No discussion was offered.

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

Ohio Balanced Growth Plan Endorsements

The following resolution was moved by ODOT and seconded by ODH:

RESOLVED: that the Commission hereby endorses the Eastern Lake County Coastal Tributaries Watershed Balanced Growth Plan and the Furnace Run Watershed Balanced Growth Plan, making the communities who have passed resolutions in support of these plans eligible for the state incentives package for Balanced Growth.

Discussion: Commission Chair James Zehringer asked about who is involved in the Watershed Planning Partnerships. Executive Director Hesse explained that it is comprised of county, municipal, township for resolutions. Watershed Planning Partnerships include Soil and Water Conservation Districts and others.

Commission Chair James Zehringer also asked if there is any continuing financial commitment by the state. Sandra explained there is not. It's voluntarily, incentive based and locally led. If local communities can come together, the state by endorsement will support their plan. Once endorsed, their financial commitment from OLEC is over. They are asked to provide information on implementation activities annually to the Commission office.

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

Next Steps for the Balanced Growth Program for 2012

Executive Director Hesse described the best local land use practices portion of the Balanced Growth Program. The existing document is currently under revision. Draft sections have gone out to state agency program staff and will soon be ready to go out to the external advisory group for feedback. It will be submitted to the AGO Office for review and to ensure conformity with State law. We anticipate the document will come to the Commission later this year for review and consideration for adoption.

Special incentives include 23 programs that contain specific special incentives for Balanced Growth participating communities. Staff will be working with state agency staff to update this list as programs evolve and change. Keeping this list updated is a priority item for the watershed planning partnerships and an action item in the Ohio Balanced Growth Program Strategy.

Extra points on grant applications include:

- Clean Ohio Agricultural Easement Purchase Program
- Recreation Harbor Evaluation Program
- CWA Section 319 Implementation Grants
- Water Supply Revolving Loan Account
- Ohio Coastal Management Assistance Grants
- Land & Water Conservation Fund
- Nature Works

Special consideration in review process:

- Watershed Coordinator Grant Program
- Market Development Grant
- Lake Erie Protection Fund
- Scrap Tire Grant
- Section 208 (State Water Quality Management Program)
- Ohio Lake Erie Conservation Reserve Enhancement Program (CREP) and Scioto River Watershed CREP

Percentage point discount:

- Dam Safety Loan Program
- Fresh Water Loan Group
- Community Assistance Loan Program
- National Flood Insurance Program Community Rating System
- Water Pollution Control Loan Fund

Priority Technical Assistance:

- Agricultural Security Area
- Streams & Storm Water Program
- Statewide Geologic Mapping Program
- Dam Safety Technical Assistance
- Floodplain Mgmt. Tech Asst. Program

Ohio Lake Erie Commission Office Report

Great Lakes Restoration initiative (GLRI) Projects

Funding from the GLRI has come through several agencies and organizations including USEPA, NOAA, Save Our Great Lakes (a public/private partnership organization) and others providing over \$46 million in funding in Ohio.

GLRI 2012 Efforts

There is a pending Request for Applications (RFA) from EPA expected to be released in the near future although a date has not been identified. Stakeholders, Commission and Ohio Sea Grant will provide collaborative opportunities to identify partners and potential sources for match funding.

OLEC staff in cooperation with Ohio Sea Grant recently hosted two forums to start collaboration for discussion (OLEC and Ohio Sea Grant are the co-principal investigators on a previously awarded GLRI grant to conduct forums designed to synthesize results from Ohio GLRI projects). Stakeholders are

asking and talking about how to get creative to go after potential new projects. Commission staff and Ohio Sea Grant will continue to facilitate discussions about projects among forum attendees and state agencies developing GLRI projects. The last forum meeting was held in Oak Harbor and an April meeting is still to be determined.

Report on Office Relocation

Executive Director Hesse distributed 01/27/2012 *Sandusky Register* article about the move.

OLEC has officially moved into a small suite in a law firm on Shoreline Drive in Sandusky. Two valued staff members chose not to relocate to the new location and their last day was January 31, 2012. Executive Director Hesse gave special thanks and appreciation to ODNR, Office of Coastal Management for their continued support and to Office of Information Technology (OIT). Also gave special thanks to Sandra for all of her hard work and picking up extra work. Two vacant positions were posted and interviews were conducted with the intention to be fully staffed by June. ODNR has been providing computer IT support. OLEC is in process of doing an email migration to a new email domain to be hosted by DAS-OIT: @lakeerie.ohio.gov. We will maintain the former domain of ameritech.net for several months before closing those out permanently.

Commission Chair James Zehringer asked about the structure of the Commission office and if we are part of one of the member agencies of the Commission. Hesse responded that by state statute the Commission is a separate state entity and that member agencies provide support. For example, Ohio EPA provides fiscal service support and processes all of the Commission personnel actions.

Overview of Lake Erie Groups

Overview of slides - This is a follow up from the request made at the December Commission meeting for information about the number of groups affiliated with Lake Erie. The initial list was over 300 groups long and have categorized by group type.

Toledo Harbor Task Force Project Update

This is a GLRI funded project with funding passed through to the Toledo/Lucas County Port Authority. The intent is to address the public policy issue of the disposal of the dredged material and open lake disposal. There is a Toledo Harbor Sediment Task Force and a public forum has been held to engage a variety of stakeholders in the development of a sediment management plan. There has been a suite of options identified and the project will likely extend through the summer. The task force will meet again in the spring in preparation for a public meeting.

Commission Chair James Zehringer asked when the Task Force meets. Executive Director Hesse explained it was supposed to be later this month, has been pushed back to next month.

Completed Lake Erie Protection Fund (LEPF)

Quarter 3 has been suspended due to the office move and loss of staff. Projects for funding will be recommended in June.

Ohio Lake Erie Commission staff closed out 5 LEPF grants. Final reports can all be found on OLEC website. There are ongoing press releases and Facebook updates about project results. PowerPoint slides show The Oxybuoy, outbuoy shell and test deployment for measuring dissolved oxygen in open water. Also presented was pre and post-construction of Lions Park which was 900 feet of shoreline restoration in efforts to make better for public use.

Connecting Phosphorus Load, Transport, and Biological Use: How does *Microcystis* Use Phosphorus and Where is the Bloom Trigger Point? This was a part of suite of projects funded in conjunction with the USEPA Great Lakes National Program Office to specifically focus on Phosphorus.

This project found:

- Finding micro far upstream, in watersheds, *Microcystis* is always present, even in March and even in small streams.
- Micro was never p-limited in 2010 and only at two sites in 2009. Messages from findings were rivers are not just delivering nutrients, but also algae. The algae are not just a lake problem; it goes back up the rivers and small streams. May not see blooms at the same scale but algae is blooming upstream.

Phosphorus Task Force II

This is a GLRI 2011 funded project to Ohio EPA. Gail Hesse and Kevin Elder of ODA will serve as co-chairs to the project. Phase II will build upon the report from Phase I and recommendations from the Directors Work Group on Agricultural Nutrients and Water Quality. In addition, Phase II will focus on developing a consensus on a quantifiable reduction target or goal.

Lake Erie Protection and Restoration Plan (LEPRP)

There are updates to plan every 4 years. This plan establishes eligibility of grants and also supports GLRI projects. The new Environmental Specialist 2 will be tasked to initiate the process for a plan update. OLEC staff will work with staff from member agencies, partners and stakeholders to develop updates. The plan will then come up before this committee for adoption.

2012 "Life on Lake Erie" Photo Contest

This is an annual contest, which consists of amateur photographers with a theme of capturing life in Lake Erie. This is a great way to make a connection for citizens to Lake Erie. Winners are announced at the September OLEC meeting. The previous years' winning photographs are on display outside the new OLEC office.

SPECIAL REPORT: Directors' Report on Agricultural Nutrients and Water Quality: Karl Gebhardt, ODNR.

Commission Chair James Zehringer turned the floor over Karl Gebhardt, new chief of the Division of Soil and Water Resources.

Gebhardt introduced Greg Nageotte, in charge of the watershed program. The press release on the quality recommendations from the Directors of Agriculture, Water Quality, and Nutrients Work Group was distributed, which described 10 key recommendations for reduction of excess agricultural nutrients from affecting or entering the western basin of Lake Erie. Agricultural media is the key to success in the Ag community. ODNR, AG and EPA will be meeting to decide how to divide activities up as the challenge now is implementation. Key is on the primary watersheds, putting practices on the ground and setting up monitoring programs to see results. There are many factors out of our control based on high temperatures and high rainfall. This is a very high priority.

Compact House Bill 473

Designated to bring Ohio in compliance with the Great Lakes Compact. It is anticipated the Commission Chair James Zehringer and governor's office will testify on legislation next week. Lake Erie is looked at differently than other surface bodies of water and streams. The bill will significantly reduce limits on

amount of water withdrawn or used before a triggering a permit. A permit requirement does not mean the water cannot be used but rather, that a proposed withdrawal must be reviewed for potential impact. This is a water use program, which encourages use but must ensure it is sustainable.

Agency Reports

George Elmaraghy, OEPA: reported on the positive progress of the installation of the fish habitat project in the Ashtabula River AOC. Ohio EPA intends to recommend delisting of the Ashtabula River as AOC by the end of this year. He also reported that a letter had been sent to USEPA requesting a TMDL for the Western Basin of Lake Erie. There is agreement among Ohio EPA, Michigan DEQ and USEPA that a better approach will be to determine loads by major tributary.

William Murdock, ODOD: ODOD is focused on helping local governments with integration, efficiency and collaboration. They are collaborating with agencies for funding. There are many opportunities available and money/grants for balanced growth funding.

Deputy Director Andy Ware, ODNR: With Ag nutrients being the big issue, the recent appointment of Chief Gebhardt will bring great leadership to ODNR Division of Soil and Water Resources and will be very proactive on this issue and ODNR will focus on priority areas. Other focus will be staffing, partnerships and funding for grants.

Director David Daniels, ODA: Working on legislation for ag nutrients. Efforts are still continuing on Clermont County invasive species (Asian Longhorned Beetle) issue. The wild animal bill is in the house and staff and legislature working hard to get through.

Director Daniels departs at 11:30 a.m.

Gene Phillips, ODH: New E. coli beach monitoring program and signs underway and contracts awarded. Signage is different from HAB but advisory similar to HAB.

Myron Pakush, ODOT: Green bulkheads have been completed in the Cuyahoga River and part of the inner belt bridge project. These improve water quality and fish habitat and seem to be working well.

Advisory Committee Reports

Ohio Coastal Resources Management Project: Not present

Dr. Chris Winslow, Ohio Sea Grant College Program: Concentration has been on HABs on island. Currently taking applications for a full-time research coordinator for lab to work on HABs. Renovations are approximately 70% complete. Working on NSF grant and funding for a water quality lab at Put-in-Bay. Eight internship positions open with 38 candidates throughout the United States.

Michelle Lohstroh, NRCS: Secretary of Ag has announced an additional \$2 million for watershed through environmental quality incentives program for Ohio, Indiana and Michigan. Ohio receives annual funding as well. Additional \$1.8 million through GLRI on Blanchard watershed and \$1.8 million for other watersheds in the region.

PUBLIC COMMENT PERIOD

Name, Group:

Dale Schiavoni, ODOT, District 12 – Expressed gratitude to ODNR for shore protection at Stanton Park.

Executive Director Hesse mentioned the next commission meeting will be on Lake Erie, asked about the possibility of Stone Lab as the location. Chris Winslow agreed and would be happy to host. More details to follow.

The meeting was adjourned at 11:40 a.m.