

OHIO LAKE ERIE COMMISSION MEETING
National Museum of the Great Lakes
1701 Front Street, Toledo, Ohio
October 7, 2015

Call to Order and Roll Call – Craig Butler, OLEC Chair/Director, OEPA

The Ohio Lake Erie Commission (OLEC) meeting was called to order at 10: a.m.

Commission Members Present:

Craig Butler, Director, Ohio Environmental Protection Agency (OEPA)
Michael Bailey, Director's Designee, Ohio Department of Natural Resources (ODNR)
John Schlichter, Director's Designee, Department of Agriculture (ODA)
Karen Fabiano, Director's Designee, Ohio Development Services Agency (ODSA)
Gene Phillips, Director's Designee, Ohio Department of Health (ODH)
William Murdock, Mid-Ohio Regional Planning Commission
Harry Allen, Great Lakes Power Group
J. Kevin Cogan, Jones Day
Paul Toth, Jr., Toledo-Lucas County Port Authority

Staff Present:

Gail Hesse, Executive Director, OLEC
Sandra Kosek-Sills, OLEC

Welcome and Agenda Overview: Craig Butler, OLEC Chair/Director, OEPA

Director Craig Butler welcomed everyone to the meeting, call to order at 10:05. Roll call by Hesse. We have a quorum. Welcome all and photo contest winners

Director Butler asked for a motion on the minutes from the June meeting.

Murdock moved the following resolution:

Resolved, that the Commission approves the meeting minutes for June 24, 2015.

Cogan seconded the motion. Discussion: Cogan asked that the June minutes reflect the two “no” votes on the grant (Can Household Water Purification Filters Remove Microcystin from Drinking Water? - OSU). Hesse noted that the change will be made in the final version of the minutes filed at the OLEC office. The Commission members voted all in favor and the motion carried.

Life on Lake Erie Photo Contest

Director Butler then turned to Hesse to present the “Life on Lake Erie” Photo contest winners.

Each year OLEC asks the public to submit photos of their experiences of “Life on Lake Erie”. Hesse mentioned that while we are all so focused on the policies and programs affecting Lake Erie, the photo contest is a reminder of how the public experiences Lake Erie every day. The photos show us many special moments that people have on Lake Erie, whether in various forms of recreation, spending time with family and friends or simply time in quiet reflection in nature.

A slide show was presented of the winning photographs. Director Butler presented a certificate to each of the 2015 Life on Lake Erie photo contest award recipients that were present and invited each to say a few words about the moment they took their photograph.

2015 Algae Season and Annex 4 Update

Director Butler proceeded to the next item on the agenda and introduced Dr. Justin Chaffin and Dr. Jeff Reutter of OSU to present on the 2015 algae season and Annex 4. See slides from Dr. Chaffin (on file) and handout from Dr. Reutter (on file).

JC: June prediction of 8-9.5 on the severity scale. By Aug 5 there was a widespread severe bloom present, going through September. By the end of September there was reduced severity due to cooler water. (video of boat wake through bloom). Concerns about toxicity: July 22, 325 ppb; July 25 over 3000 ppb. Charter captains data was collected from across the western basin. High chlorophyll was detected, but lower microcystin than last year. Not sure yet why the toxicity was lower in western basin (Sandusky still had a lot of toxin). TP concentrations were twice as high this year and there was also much higher N this year. With high ammonia, the researchers hypothesize that this turned off the microcystin gene complex.

Question from the audience: where is ammonia from? JC answered it is excreted by organisms taking in the nitrates that come down the river.

Q from Butler: please talk about connection between P – flow- conc in lake and algae; JC: model has good predictive power, we need to keep the P out.

Follow up Q: what about winter conditions? JC Does not seem to affect summer concs, spring rain is the driver.

Allen asked, Are we tracking rainfall at the tribs? JC: Those data are available but flow weighted means are the driving factor: loads are similar wet or dry, need to reduce the concs to reduce P.

Butler: Thanks to Sea Grant for assisting with the charter captains, it has been a good way to promote engagement. Thanks also to Dr. Chaffin for his efforts on not only sampling but also outreach, to the public, and to water utilities.

Butler calls Reutter: please give some context for Annex 4.

JR: Thank you, collaboration has been incredible and we appreciate it very much. Context for Annex 4: Cuyahoga burning, CWA, then GLWQA and adaptive management. Work together to solve Lake Erie problems. CWA updated most recently 2012. New agreement includes 10 Annexes focusing on specific problems. Annex 4 is nutrient loading (N and P) and the problems they create. Task teams/work groups focused on parts of the problem (US and CA co-chairs).

How much do we need to reduce P to reduce blue green algae, hypoxia, and Cladophora. Report out in May 2015; public comments; 2 most common questions: how did we identify priority tribs and why did we choose 2008 as the base year? 2008 was chosen since it was one of the wettest years recently. Also many questions about climate change. For that we will need to mind adaptive management: track the loads and adapt the goals downward if needed. Choosing the tribs: 14 chosen with highest P loads (as opposed to largest watershed or highest flows). Have recommended monitoring plan for 11 of the key tribs. Also rec loading models for each of these 11 tribs (P, sed). Recs for measuring ag practices and outputs. Rec for inventory of practices and for measuring in-lake concs.

Question from audience: why not measure at Detroit River? JR: size of discharge, flow does not mix well (3-5 flow streams), protocol is not well developed. Other two-5 are really small; fwmcs are large but flows are low and the watershed areas are small. This results in small total loads.

Allen asked: How far are the monitoring sites up the tribs? JR: Good question; upstream of lake effects on flow. That will give you total load and fwmc. However, can evaluate individual wsds using additional sites upstream.

Question from audience: timetable for sampling? JR: much is already taking place, new sampling under way, up to the agencies. Maybe in place by next year.

Question from audience (Sandy Bihn): Michigan DEQ's statement about TP reductions, what does that mean in this context. JR: Annex 4 focuses on both TP and DRP. TP addresses dead zone and Cladophora but we need to also address the DRP target.

Karl Gebhardt: What is the relationship between TMDLs and Annex 4 process/targets? JR: Subcomte charged to discuss how to implement target. TMDL discussion is at higher subcmte level. Don't care the mechanism, just need to do it.

Butler: How does Annex 4 relate to the other Annexes, how will it all come together. Recs will eventually come back to the states to implement. Can you talk about the schedule for when the states will get the products? JR: This coming Feb will see recs. 2018 for final approval. Still not done then, as Lake Erie was chosen first. Then need to do Lake Ontario, then other lakes using CSMI schedule.

Hesse: There are mandates for certain dates. JR: TMDL discussion will be a big one. HA: will we meet those dates? JR: Yes, Ohio is ahead. We have lots of info. Task Force report recs have not changed. It is consistent with previous.

Lake Erie Shores and Islands Update

Director Butler proceeded to the next item on the agenda and introduced Larry Fletcher of Lake Erie Shores and Islands.

Butler recognizes Larry Fletcher. LF: We are the "why": tourism and economic impact. Birders came in as anticipated this year. June was very wet, but rebounded with better weather in July and August. Businesses having activity similar to last year. Very resilient in many sectors. However, charter fishing was down due to algae. We did a survey (Shores & Islands) shared through many channels. Not a scientific survey, but some info: impact to charter fishing, lots of visitor inquiries. Concern for future business due to publicity, and from negative experiences due to algae this year. There is a need for a real comprehensive scientific survey to get at the economic impact. Even with the algae bloom, there are still plenty of things to see and do and we are actively promoting those. We applaud KG new position at OEPA for Lake Erie. We will assist however we can. Last thing, we went to HOW in Chicago with a team of folks. To learn but also to have a booth. Next year HOW will be in Sandusky. 400-500 ppl to Hotel Breakers at Cedar Point. SB adds a comment.

Lake Erie Protection Fund – Grants Committee Report

Hesse introduced the LEPF allocation that was tabled at the June meeting.

Toth moved the following resolution:

Resolved, that the Lake Erie Protection Fund (LEPF) budget for SFY 2016 be \$200,000 for grant projects.

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

Hesse then turned to Amy Jo Klei, Grants Committee Chair, to present the recommendations for the Lake Erie Protection Fund grants program.

Klei explained that the Ohio Lake Erie Commission administers the Lake Erie Protection Fund (LEPF) grant program with revenue generated by the sales of the Lake Erie license plate and

other donations. Following the funding framework adopted by the Commission, the 1st quarter grant cycle was open to proposals of up to \$15,000 with no targeted topics.

Projects must assist with implementation of the Lake Erie Protection and Restoration Plan (LEPR) and provide a direct benefit to Lake Erie and its tributary watersheds in Ohio.

The Commission received three applications for the 1st quarter of the LEPF small grants cycle. The Grants Committee reviewed all applications and recommends the following grant for funding for a total of \$15,000 from the SFY16 small grants allocation:

- “Nutrient removal by restored wetlands in the Maumee basin” Maumee River Basin CER / UMN. \$15,000

This project will evaluate the effectiveness of three restored wetlands at removing nitrogen and phosphorus from tributaries of the Maumee River located in Defiance County. Nutrients and flow will be monitored from the outlets of the wetlands from late January to December 2016. Sampling will be conducted by a Defiance College intern under supervision of Dr. Doug Kane of Defiance College and Dr. Chris Lenhart of UMN. The Drainmod model will be used to simulate pre-restoration hydrology and nutrient input data from nearby, non-restored fields will be used in place of in-situ data. To determine the post-restoration benefits, a nutrient removal effectiveness for nitrogen and phosphorus will be estimated for each wetland based on the flow and nutrient inputs and outputs. In order to assess the trade-offs between water quality treatment and wetland health, vegetative diversity and quality will be assessed in the wetlands as well.

The SFY16 budget for LEPF small grants is \$200,000. With approval of the above projects, the remaining balance for SFY15 is \$185,000.

Murdock moved the following resolution:

Resolved, that the following Lake Erie Protection Fund grant proposal be funded:

- “Nutrient removal by restored wetlands in the Maumee basin” Maumee River Basin CER / UMN. \$15,000

Toth seconded the motion.

Discussion: Agency advisor is Brian Gara so there will be an avenue to get results back to OEPA on how to build better wetlands. JS: how recently were they restores? SKS: recently, 5-10 yrs, need to get back to you. KC: were they restored for nutrient removal? Hesse: we need more info on these small wetland systems. Have more data on larger areas. HS: Don't have before data? Wouldn't that be better if it were measured? Hesse: that's ideal, but we don't always have it. AJ: we did ask for additional info on how they would do the model and they provided more info. PT: question: why UMN? Family connection, also the money is going primarily to Defiance College.

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

Hesse stated that due to potential changes in LEPF priorities as well as staffing changes, the office staff recommend suspending the second quarter grant cycle as was done previously during the office move in 2011/2012.

Toth moved the following resolution:

Resolved, that the Ohio Lake Erie Commission suspend the LEPF grant application submittal, review, and award process for the second quarter of SFY16: October 1, 2016 to December 31, 2016.

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

Hesse then turned to Sandra Kosek-Sills for a brief update and overview on 5 projects that ended this quarter.

Title

- Bullets

What did we do?

What did we learn?

For more information:

Name address phone email agency advisor

Discussion: For Cherry Street: What is process for amendments? Usually internal at the office, it's rare.

OLEC Office Report

Hesse reported on several items including acknowledgement of staffing changes at the office. Two staff recently left the Commission, Heidi Rife and Rian Sallee, and Hesse's last day in the office will be October 9 with retirement effective Oct. 31. Hesse mentioned that each departure was for very individual reasons and by circumstance all three departures happened to fall within a couple of months of each other. Hesse went on to acknowledge the efforts of Sandra Kosek-Sills for her contributions in ensuring that office operations continued on with minimal interruption. Kosek-Sills has repeatedly risen to the occasion in pitching in and going above and beyond the call of duty.

Hesse mentioned that the office continues to pursue ways to develop the Lake Erie Protection Fund. The new PayPal account has brought in several unsolicited donations to the Fund. Hesse reminded the Commission that there is spending authority in the current budget for this biennium to spend up to \$100,000 (out of a total of close to \$500,000) of the reserves in the Fund. The intent is to utilize this allocation on a one time basis to attract and leverage external sources of funding in the interest of supporting a larger impact project(s). In addition, this effort was intended to develop new partnerships with external entities. The Fund is a unique grant vehicle that can be used in a variety of ways to accomplish priority actions. Bringing in new partners and external funding sources can be one way to optimize the program and expand its impact beyond the resources generated by the sales of the Lake Erie license plates and private donations.

Hesse briefly described the activities in the current GLRI federal grant to the Commission and the work of the 5 project partners. The role of the Commission has been to serve as the principal investigator as the grant recipient working with the 5 subawardees as well to provide outreach activities on the project outcomes. The grant is on schedule to be completed next spring.

Hesse reported that a previous program of OLEC, Coastweeks, is in the process of being transferred to the Alliance for the Great Lakes and Partners for Clean Streams. Previously, OLEC served as the Ohio contact with the Ocean Conservancy from Washington DC in the coordination of coastal cleanup events along Lake Erie. This effort is better aligned with the Adopt-A-Beach program of the Alliance that has a growing presence in Ohio. Partners for Clean Streams has one of the largest annual cleanup events in northern Ohio focused on cleanup along the Maumee River.

Butler: Gail also is retiring; fortunate to have had her here. Opportunity for the Commission to speak to that if they wish. Congratulations and thanks.

Lake Erie Protection Fund – Priorities & Transition

Director Butler asked Karl Gebhardt to speak to the Commission on current activities and plans for two priority issues to address dredged sediment management and nutrient reduction.

We will have continuing discussions about the place of the Commission with the state agencies and how all the work on Lake Erie will be integrated moving forward. Gebhardt will be taking on the role of Lake Erie lead for OEPA. With Pam Allen.

Gebhardt presented an outline of activities (handout). Priority topics: SB1 dredged material disposal ban. Need to find beneficial use. Challenge 2 is the phosphorus reduction. We are not waiting for the Annex 4, we will move forward on the basis of the Ohio P Task Force work and subsequent agreements. We should focus limited funds and time on those two activities.

Dredge material: Cle interceptor, big intervention project. Looking at possible interceptor in Maumee.

Collaborative Strategy: with MI, IN, Ont. Mtg Nov 6 to talk about monitoring.

Draft Implementation Plan: for P reduction. Action Plan format. TMDL implementation.

Open discussion (12:20): Due to time running late at the meeting, Butler suggested continuing the discussion at an executive committee meeting to be held within a week or so.

Allen: want to be at the exec cmte mtg. Hesse: rec exec session of Commission rather than exec cmte. Butler: we are looking at the OLEC statute to see what exactly is required of the Commission, to help focus actions on what is required.

The Commission agreed to schedule an executive session within the next several weeks to discuss options for future priorities of the Fund.

Agency Reports

ODA: still working on the frozen ground issue to get rules established with ODNR. Txfr div of soil and water to Ag will happen Jan 1 hope it will be smooth and continue good programs. Congrats to Hesse on new position.

ODH: finalizing e coli report. Will be on portal soon.

ODSA: Newest program in state budget (need more info)

ODNR: Txfr DSWR is a big move. New leadership opportunity for Ag.

OEPA: \$ available to water resource providers. CSOs make some funding and tech available. Funds to ODH be more aggressive on failing septic. Comprehensive approach to nutrient mgmt. Such a bad year for algae but toxins were low still provided safe water. Huge accomplishment to use new. Including in tribs to Oh R and across the state. Giving equipment and tools for all providers. Also looking to focus priorities in HAB issues for drinking water. Working with ODH and ODNR on HAB and recreational contact. Revising strategies for monitoring and advisories, stds.

OSU SG: \$2M from Dept of Higher Ed for HAB project 18 projects just finishing first year of two. Convened top researchers at all higher ed and split into 5 focus areas. Track, treat, human health, land use, economics and policy. Working on summary report to compile info to get it out to folks. \$1M added from faucet initiative 5 additional projects. Additional funds coming, will use similar process, include agency advisors to address agency needs. Needs info still from ODH and ODA, will put out RFP. NOAA grants; \$500K to fund 8 projects 6 related to HAB or nutrient

issues. A lot of ag groups came to Stone Lab this summer, farmers. NASA, TNC, media mtgs. New partners with COSI and NSF grant for lab improvements.

Butler commented: These are applied projects, it is what we need. If we're going to spend \$Ms, we need this type of work. Coordination element with researchers is also helpful.

TMACOG: Reorg water quality program. Moving from info to advocacy. Mtg Nov 4. Rain Garden project proceeding.

PUBLIC COMMENT PERIOD

Kris Patterson PCS: While priorities are important, the wide diversity of issues that the LEPF has addressed should not be dismissed. She mentioned that having never received an LEPF grant, she was not speaking out of self interest, but rather in support of the needs of Lake Erie. The activities of the Commission are important for all the Lake Erie issues: she would advocate continuing to represent all agencies and all issues identified as important to the public. There is value in seeing the Lake as a whole.

Director Butler adjourned the meeting at 12:45 p.m.

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