

## Lake Erie Protection & Restoration Plan 2013 – Public Comment Response Summary

September 19, 2013

Priority Area	Comment	Response/Recommendation
<b>General</b>	<p>1. It is hard to tell which department is responsible for which action. Can you separate the programmatic from the aspirational actions? The LEPR Plan does not lay out who is carrying out what action plan and therefore how does the Commission and public know who is carrying out what action items?</p> <p>2. How will the state track and report on actions taken? Will the final report have SMART goals - Specific, Measurable, Assignable, Realistic, and Time-based? What are the plans for adaptive management in this plan?</p> <p>3. Who will be seeking funding for these projects? What is funded and underway, what isn't? What is in the budget? Hard to tell how much money will be spent and how much is needed to do all the work. Each action item should be tied to a funding target and source if a source has been identified.</p> <p>4. How will Ohio interact with adjacent states (Indiana, Michigan) on issues that affect the lake? How will the state interact with the LaMP? It is mentioned in the intro but not elsewhere. It is important that the Commission and the state continue to coordinate efforts with the other states and province that are within the Lake Erie watershed.</p> <p>5. Thank you for the opportunity to offer comments today and holding this webinar. I appreciate the report's recognition of the importance of Lake Erie and setting clear goals and action items.</p> <p>6. What tools will state agencies and state use to assert these priorities?</p> <p>7. The plan should include a goal of having a TMDL in the western and perhaps central basins of Lake Erie.</p> <p>8. This section (Introduction) refers to programs etc. please add the 2014 Lake Erie Comprehensive Science Monitoring Initiative(CSMI) that will take place and should have widespread coordination and input. The Great Lakes Compact should be referenced also.</p> <p>9. This section (Introduction, discussion of the Lake Erie Quality Index) includes information on wastewater plants and investment. This section should put in a list of all the wastewater plants in the Lake Erie watershed, the annual amounts of CSO and SSO discharges, whether there is a consent decree and if so a timetable, and which plants are out of compliance with no agreed to plan.</p>	<p>1. The final document includes the responsible agencies for each of the Action Items. In some instances, there is shared responsibility among the agencies and this will be reflected in the final Plan. There is a combination of both broad and specific actions in the Plan. We have included specific projects while many other items are reflected in the work plans and priorities of the individual agencies. Including details from work plans for all of the agencies would be too unwieldy to include in the Plan. We have attempted to maintain a more strategic overview in the Plan to reflect overall priorities and include specific projects where they have been identified.</p> <p>2. The Ohio Lake Erie Commission produces periodic reports on the progress and status of the LEPR. We anticipate the first report for this edition of the LEPR would be produced within the first two years of adoption by the Commission of the LEPR.</p> <p>It is beyond the scope of this Plan to include all of the elements of SMART goals. We believe these elements are best addressed in individual agency programmatic work plans. Adaptive management is an iterative approach based on a learning process to improve outcomes. The Ohio Lake Erie Commission is taking an adaptive management approach for Lake Erie through publication of the LEPR every 4 to 6 six years to reflect updated priorities and programs. Periodic progress reports inform the agencies and the public the progress being made. The <i>Lake Erie Quality Index</i> is another tool to provide a broad overview of the condition of the Lake. The next edition of the <i>Lake Erie Quality Index</i> is scheduled for 2015.</p> <p>3. It is beyond the scope of this Plan to include sources and levels of funding. Funding for different programs can vary significantly from year to year and any information we might be able to capture would quickly be out of date.</p> <p>4. We agree it is critically important to coordinate with the other jurisdictions that surround Lake Erie. The Introduction section has been revised to ensure the appropriate references are made regarding our efforts towards coordination and collaboration with other jurisdictional partners.</p> <p>5. Thank you. OLEC appreciates the attention and time from all of the commenters on the Plan.</p> <p>6. The Lake Erie Commission utilizes the Lake Erie Protection Fund, the grant program funded by the sales of the Lake Erie License plates, to fund projects that reflect the priorities and actions in the LEPR. The member agencies of the Commission will reflect the priorities in this Plan through programmatic work plans and collaboration among the agencies and Commission staff.</p> <p>7. Further consideration is needed to determine whether or not a Lake Erie TMDL would be a productive means to reach the water quality goals for the lake.</p> <p>8. The reference to the CSMI has been included in the final Plan. The Great Lakes Compact is discussed in the Water Withdrawals Priority Area.</p> <p>9. This level of detail about wastewater plants is beyond the scope of the Introduction section of the report. The CSO communities are typically required to report data for CSOs and SSOs from their NPDES permitted system. The Priority Area: Coastal Health Section of this Plan includes information on the six communities in the Ohio Lake Erie basin that discharge the highest volume of CSO annually. Ohio EPA estimates that those six communities discharge an estimated 85% of the CSO volume in the Lake Erie Basin. There are 62 CSO communities in the Lake Erie basin that had or have CSOs. Four of the CSO communities in</p>

		<p>the Lake Erie Basin do not have a schedule incorporated into an appropriate enforceable mechanism, such as a permit or enforcement order, with specific dates and milestones, including a completion date consistent with Agency guidance. Noncompliance with the schedule or requirements of an individual NPDES permit may be addressed through enforcement. The schedule of projects developed as part of a Long Term Control Plan typically requires completion of projects that have the greatest impact on sewer overflows earlier in the schedule. A comprehensive list of all of the CSO communities in Ohio with additional information regarding those communities is available on the Ohio EPA website at the following link:  <a href="http://www.epa.ohio.gov/portals/35/cso/ohiocsoinventory.pdf">http://www.epa.ohio.gov/portals/35/cso/ohiocsoinventory.pdf</a></p>
<p><b>Nonpoint Source Pollution</b></p>	<p><b>General Nonpoint Source Comments</b></p> <ol style="list-style-type: none"> <li>1. Ohio should also ask for improved coordination of 401 and 404 permits reviewed and issued by Ohio EPA and the Army Corps.</li> <li>2. Nonpoint source pollution should also include Lake Erie's internal load.</li> <li>3. Should also include emerging chemicals in wastewater like atrazine.</li> <li>4. Although Heidelberg data shows increase in DRP from the mid 1990's, the algae did not become significant or become problematic until 2003 in the far western basin. It was in 2003 that there was a huge increase in open lake dumping.</li> <li>5. This section (NPS Introduction) refers to bacterial exceedances. Bacterial exceedances are normally tied to human waste - failing septic and wastewater overflows. This item should be in the wastewater section and maybe cross referenced here because some bacteria comes from birds.</li> <li>6. Implementing recommendation of Phosphorous Task Force Two comments are not possible because the report is not released. Likewise the plan should consider and assess the recommendations of the International Joint Commission Appendix Four Lake Erie Nutrient recommendations which are soon to be released.</li> <li>7. The near shore monitoring is a good start but much more monitoring needs to be done which the plan should state. Monitoring is needed in lake and in tributary outfalls with phosphorus and nitrogen load and source analysis. Nitrogen load and impact analysis should be added in all areas.</li> <li>8. Coordinating storm water and wastewater is a good goal But the often unidentified and not addressed problem is the deterioration of the water and wastewater pipes/transmission systems which often leak and break and impact the Lake Erie watershed.</li> <li>9. This plan repeatedly talks about implementing watershed plans but there should be recommendations for a watershed plan for Maumee or Sandusky Bays and for Lake Erie itself. Since Lake Erie waters are the subject of this plan, all of these statement should be put in the context of improving Lake Erie water.</li> <li>10. In Ohio Coastal nonpoint, there needs to be improved coordination and enforcement along Ohio's coastline.</li> </ol>	<ol style="list-style-type: none"> <li>1. Ohio EPA will take this under advisement.</li> <li>2. Ohio EPA will take this under advisement.</li> <li>3. Ohio EPA will take this under advisement.</li> <li>4. Many factors have been cited as the cause of increased algae in Lake Erie; research continues.</li> <li>5. Bacteria come from a variety of sources; the topic is appropriately placed in this section.</li> <li>6. We understand the reluctance to comment on reports not yet released. We believe the reports mentioned in the comment will be meaningful contributions to understanding nutrient loading issues in Lake Erie and will advance useful recommendations.</li> <li>7. Ohio EPA will be working to sustain funding for the recently added nearshore monitoring program.</li> <li>8. Thank you for the comment. We have included a reference to aging wastewater infrastructure in the report.</li> <li>9. The lake and the bays will benefit from the implementation of the watershed plans of its tributaries. The LAMP serves many of the functions of a watershed plan for Lake Erie.</li> <li>10. The Ohio Coastal Nonpoint Pollution Control Program is a networked program for all of Ohio's nonpoint source control efforts in the Lake Erie basin. Coordination and implementation will benefit as Ohio moves towards federal approval for all management measures.</li> </ol>
	<p><b>Nutrient and Sediment Load Reductions</b></p> <ol style="list-style-type: none"> <li>1. Riparian Buffers- Rally for a change in the Ohio Revised Code to update the Ohio's 100+ year-old antiquated Ditch Laws, which currently allow farmers to petition "Rivers" to be straightened, dredged, cleared of standing vegetation, all in the name of drainage, without regard for water quality and habitat concerns, even over the objections of adjacent landowners and regulatory agencies. Revisions to the law should restrict these actions to man-made ditches, using modern ditch designs.</li> </ol>	<ol style="list-style-type: none"> <li>1. Supporting laws and/or recommending changes to laws is not the role of the state agencies. Ideally, managing landscape for drainage would go hand-in-hand with practices that ameliorate the detrimental effects associated with conventional ditching, wetland impacts, and wooded riparian removal.</li> <li>2. Thank you for the comment. We will take this under advisement.</li> <li>3. Thank you for the comment. We will take this under advisement.</li> <li>4. Thank you for the comment. We will take this under advisement.</li> </ol>

<p>2. Referencing the Sandusky and Maumee Rivers is ok but the other tributaries - the Portage, Toussaint, Auglaize, and others are also contributors which should be noted. Monitoring of the Detroit River's three streams as well as monitoring of the outfall of Lake Huron into the St. Clair River should be part of a Ohio ongoing request from Michigan and the U.S. and Canadian governments.</p> <p>3. The plan says that there should be tracking of phosphorus loads against target loads. This should be for all Ohio tributaries and an assessment of the internal load. Ohio should recommend that this also be done by the other states in the Lake Erie watershed and by the U.S. and Canadian governments. Also, the plan does not say how often the assessment should be done.</p> <p>4. Objective 1, Reduce Nutrient Loading should include support for a GIS based system to record P levels in agricultural lands so that targets of likely P runoff can be identified.</p> <p>5. Support agricultural practices that Avoid, Control and Trap (ACT) nutrients and sediment. This statement should add the most problematic loads are from late winter and early spring. A priority of reducing loads during these periods should be an added goal. A ban on fertilizer and manure on frozen ground should be a goal of this plan.</p> <p>6. The plan should recommend a nutrient TMDL of the Maumee River, Maumee Bay and Western and Central basins of Lake Erie in addition to encouraging development of Watershed Action Plans, particularly in the Maumee River basin, and support regular updates to Plans, as needed. In addition, the State of Ohio should ask Michigan, USEPA and Ontario/Environment Canada to conduct a nutrient TMDL on the Detroit River.</p> <p>7. Riparian buffers are difficult to get because property owners view it as a loss of property rights. This should be coordinated with local governments with suggested ways to achieve riparian buffers - same with stream corridor setbacks.</p> <p>8. I support the plan to adopt new water quality criteria for nutrients in 2014, but it should also urge adoption of the offshore, nearshore and Lake Erie tributary river mouth total phosphorus targets in Lake Erie Binational Nutrient Management Strategy. It will be critical to explain how it will ensure that its proposed solutions will lead to achievement of the water quality standards, and over what timeframe.</p> <p>9. Obj. 1: Comment requesting clarification on "support" and "encourage" terms. Maybe a better way to write these action items would be to state: Develop and implement Total Maximum Daily Loads (TMDLs) (EPA).</p> <p>10. Obj. 1: The OEC would strongly encourage that the Commission include the source of the phosphorus loadings. Is this source internal loading within Lake Erie or are the largest culprits of high nutrient inputs coming from certain tributaries of the Maumee and Sandusky Rivers or is it a combination of both.</p> <p>11. US EPA recently requested Ohio EPA list the open waters of Lake Erie as impaired due to nutrients. With their request, US EPA submitted data to substantiate the need for the listing. Ohio EPA's response to US EPA stated that they did not have a methodology to analyze the data and did not have enough time to develop a methodology and perform the analysis before the deadline to submit the impaired waters report. Will the plan recommend that Ohio list Lake Erie as impaired in 2014 and develop a methodology for nutrient impairment in Lake Erie?</p> <p>12. One innovative technique which may help to reduce nutrients can be found in Wisconsin's new phosphorus rule (NR 217) that allows adaptive management plans to address the combination</p>	<p>5. These practices will be included in the recommendations of the second Lake Erie Phosphorus Task Force report.</p> <p>6. Thank you for the comment. We will take this under advisement.</p> <p>7. The Ohio Balanced Growth Program, Best Local Land Use Practices contain suggestions for local governments that wish to implement these practices.</p> <p>8. We agree that phosphorus targets are important. The Great Lakes Water Quality Agreement (GLWQA) through Annex 4 is convening stakeholders to develop updated targets for all of Lake Erie.</p> <p>9. Further consideration is needed to determine whether or not a Lake Erie TMDL would be a productive means to reach the water quality goals for the lake.</p> <p>10. Including the source of phosphorus loadings is complex and beyond the scope of this plan. There is more to be learned about the role of internal loading. The Commission has funded a project currently underway to investigate internal loading of phosphorus in the western and central basins. While internal loading is a factor, it is important to acknowledge that phosphorus inputs still originate from tributary runoff from the watersheds.</p> <p>11. The plan will not make this recommendation. Ohio EPA will evaluate the many facets of listing and decide if and when to consider listing the open waters of Lake Erie as impaired. It is important to note that Ohio already lists the nearshore units of Lake Erie (the only defined Lake Erie units) as impaired for aquatic life, recreation, and human health (fish tissue).</p> <p>12. Thank you for the comment. Ohio EPA is aware of Wisconsin's approach with nutrient criteria, nonpoint BMP performance standards and the adaptive management approach. Ohio's recently completed Nutrient Reduction Strategy (<a href="http://epa.ohio.gov/Portals/35/wqs/ONRS_final_jun13.pdf">http://epa.ohio.gov/Portals/35/wqs/ONRS_final_jun13.pdf</a>) lays out a similar adaptive management scheme in broad terms. The Agency is forming a Technical Advisory Group (TAG) for the purpose of drafting water quality standard rules. The TAG will consider the science issues of setting nutrient criteria, the details of how to implement immediate actions and the longer term nutrient control measures taken under an adaptive management framework. Ohio has rules for water quality trading in OAC 3745-5. This rule provides a voluntary framework similar to adaptive management.</p> <p>13. Lakewide phosphorus targets fall under the auspices of the GLWQA Annex 4 and Ohio will be a participant in that dialogue along with the other jurisdictions that share the lake.</p> <p>14. An established principle in the Water Quality Standard program is the process of determining a water's beneficial uses and applying narrative and numeric criteria designed to protect that use. The human health nitrate criterion applies only in the immediate vicinity of public drinking water supply intakes because that standard is designed to protect the water's use as a potable water source. Regarding a means to apply nutrient standards more consistently Ohio EPA has recently proposed the idea (<a href="http://epa.ohio.gov/dsw/dswrules/nutrientcriteria.aspx">http://epa.ohio.gov/dsw/dswrules/nutrientcriteria.aspx</a>) of using a bio-metric approach to confirm impairment of aquatic life uses in streams and rivers. Under this proposed scheme a total dissolved inorganic nitrogen standard could be invoked in situations where excessive nitrogen levels were contributing to the degradation of aquatic communities.</p> <p>15. Ohio EPA will take the comment under advisement. Algae is an indication of excess nutrients, and all Lake Erie nearshore assessment units are already listed as impaired due to nutrients. Thus, the TMDL status would not change.</p> <p>16. The Lake Erie Commission will be producing an updated <i>Lake Erie Quality Index</i> in 2015. The Ohio Lake Erie Phosphorus Task Force has proposed loading targets for total phosphorus and dissolved reactive phosphorus. These targets can be found on the Ohio Lake Erie Phosphorus Task Force's page on the Ohio EPA's website:</p>
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<p>effect of point and nonpoint effluent. This helps reduce the costs to farmers and municipalities in a watershed that decided to enter into an adaptive management plan. The adaptive management plan will allow point sources and nonpoint sources to enter into an enforceable agreement holding both sources to their discharge limit. Will the plan urge Ohio adopt an adaptive management approach for nutrients?</p> <p>13. I urge Ohio to propose a dissolved reactive phosphorus ambient standard for the Lake Erie basin. The Ohio Phosphorus Task Force has noted that HABs have been observed in Lake Erie when the DRP concentration was 6 ug/L.</p> <p>14. Please consider applying Ohio's nitrate-N standard of 10 mg/l throughout the Lake Erie basin, instead of just near drinking water intake areas. Currently this standard is listed as a human health drinking water criteria but language in OAC 3745-1-33 restricts its application to areas near public water supply intake locations. Adopting this standard throughout the basin would allow for more consistent protection of Lake Erie from these nutrients.</p> <p>15. I recommend that the plan urge the Ohio Environmental Protection Agency to:</p> <ul style="list-style-type: none"> <li>• Amend the methodology to evaluate Lake Erie beaches and near shore waters to ensure that they meet the narrative standard for algae.</li> <li>• List beaches impaired by algae contamination. Placing these water bodies on the list will ensure Total Maximum Daily Loads (TMDLs) are developed to correct the impairments.</li> <li>• Accelerate the proposed schedule of TMDL implementation to speed the rate at which Lake Erie beaches return to their healthy status.</li> </ul> <p>16. You talked about a report on the condition of Lake Erie in 2015...Do you have a total phosphorous/dissolved reactive Lake Erie load now and what the targeted goal is? Same question for tributaries.</p> <p>17. Support changing language under strategic objective one, action item eight from "elimination" to "reduction."</p>	<p><a href="http://www.epa.state.oh.us/dsw/lakeerie/index.aspx">http://www.epa.state.oh.us/dsw/lakeerie/index.aspx</a>.</p> <p>17. Document text has been changed to maintain consistency with the 2013 <i>Ohio Nutrient Reduction Strategy</i>.</p>
<p><b>CAFOs</b></p> <p>1. Obj. 2: It is unclear how the Commission will determine if they "addressed" these livestock operations (livestock operations with high nutrient loading or that have a high potential to discharge to waters of the state). A more concrete action item needs to be included here so that all stakeholders understand what is meant by "address".</p> <p>2. Governor Kasich should issue an executive order instituting a temporary moratorium on building new and/or existing CAFOs in the Lake Erie basin.</p> <p>3. All existing CAFOs and AFOs must comply with Clean Water Act regulations.</p> <p>4. I urge OLEC to recommend Ohio EPA establish water quality criteria for nutrients without delay.</p> <p>5. RE: Livestock manager training - Local SWCDs have little, if any, authority over ODA-permitted CAFOs so I would question the effectiveness of this recommendation. Certified livestock managers are only required for managing and handling manure at a "major concentrated animal feeding facility". The threshold amounts would allow untrained people to apply enormous amounts of manure with absolutely no training.</p> <p>6. The Distribution &amp; Utilization method of manure management should be banned.</p> <p>7. I urge you to oppose this transfer (NPDES permitting authority to ODA) and instead strongly recommend all CAFO permitting responsibility be restored to the Ohio EPA, the state agency whose</p>	<p>1. ODA has requirements on the large permitted facilities that manure be applied according to regulations that are USEPA approved. Any additional efforts will be consistent with the <i>Ohio Nutrient Reduction Strategy</i>.</p> <p>2. The governor does not have authority to issue a moratorium.</p> <p>3. Agreed, If the commenter is aware of facilities that do not meet those requirements, it is recommended that they contact OEPA, ODA or ODNR- Division of Soil and Water Resources.</p> <p>4. Ohio EPA is continuing to develop standards.</p> <p>5. There are many more small and medium sized non-permitted livestock facilities that need trained technical staff to improve nutrient management. The Certified Livestock Manager program goes beyond USEPA requirements to allow the Ohio Department of Agriculture to train, inspect and ensure that manure that is sold or distributed outside the control of the permitted livestock facility is utilized properly. USEPA recognizes that manure that is sold or distributed to farmers to replace commercial fertilizer is beyond the regulatory authority of the permitted livestock farm.</p> <p>6. D&amp;U does not violate the Clean Water Act. USEPA regulations acknowledge that any manure that is distributed or sold to crop farmers is not under the control of the Permitted Livestock Farm does not require Manure management plan, but the permitted farm is required to provide the recipient a copy of the manure analysis and the land application restrictions and keep track of who, when and how much was distributed.</p>

<p>primary role is to protect the environment.</p> <p>8. I urge Ohio EPA to retain these issues in the final Nutrient Reduction Strategy Framework for Ohio Waters (2011) report to US EPA: 1) Dramatically improve manure management practices, 2) Soils in some watersheds have soil phosphorus levels that would allow generations to pass before needing additional phosphorus inputs – yet each year some of these same soils continue to receive nutrient applications, 3) Effective manure management is critical in order to see water quality improvements and/or measurable reductions in nutrient loadings to our streams.</p> <p>9. Ohio's NPDES permitting authority needs to include a better assessment and oversight of Concentrated Animal Feeding Operations. There needs to be monitoring downstream from CAFO's for phosphorus and nitrogen and a ban against placing manure on frozen ground.</p> <p>10. The threshold for permitting should be much lower than 25 million gallons and/or 4500 tons of manure per year.</p> <p>11. ...work (is) being done by USDA to modify agricultural practices (filter strips, fertilizer/manure application timing, etc) in the upper part of the Maumee watershed. This probably falls under mentioning work being done by various state/federal agencies to address action plan items.</p> <p>12. Control needs to be exercised on CAFO construction in the streams and rivers feeding into Lake Erie, and Farm Bureau should stop the permits for these CAFOS.</p>	<p>Those requirements include the provisions of proper use similar to the 4 R's of fertilizer, because the manure is replacing commercial fertilizers</p> <p>7. The only federal EPA requirement is the NPDES permit. The PTI and PTO are state required permits. OEPA never had rules or issued any PTO's. The legislature gave authority to ODA to develop rules for both Permits to Install and Permits to Operate and issue those permits to Concentrated Animal Feeding Facilities.</p> <p>8. Thank you for this comment.</p> <p>9. 1) USEPA only requires a federal NPDES permit on facilities that discharge to waters of the state. Concentrated Animal Feeding Facilities (CAFFs) are designed to not have discharges. 2) Monitoring is only required if there was an accidental discharge and then a Federal Permit can be required. 3) CAFFs have been prohibited from surface application of manure on frozen and snow covered ground for several years.</p> <p>10. The 25 million gallon and or/ 4500 tons is an additional ODA requirement over and above the Federal EPA for commercial manure brokers and applicators that take manure from permitted facilities.</p> <p>11. Thank you for providing this information.</p> <p>12. As of August of 2002, all large Concentrated Animal Feeding Facilities are required to obtain Permits to Install prior to constructing facilities. Those permits require geological explorations, determinations of groundwater availability, setbacks from waters of the state, roads, neighbors, design specifications for manure storage and construction, and certifications of construction including as-built drawings. All to prevent discharges to waters of the state. They also must have 5 year renewable Permits to Operate, including manure management, insect and rodent control, mortality management, emergency management and operating records required. Manure management requires manure to be utilized as agronomic use, replacing commercial fertilizer with application of best management practices, including prohibitions of application on frozen and snow-covered soils. These permits are public noticed in local papers. Each facility is also inspected on a regular basis.</p>
<p><b>Coastal Nonpoint Pollution Control Program</b></p>	
<p>1. Obj. 5: The actions are all cryptic. These were clearly written by someone that is very close to this program and not for all stakeholders to understand what actions will be undertaken. The OEC strongly encourages the re-writing of these actions.</p>	<p>1. Action items have been revised for clarity with the inclusion of reference material through web link.</p>
<p><b>Stormwater</b></p>	
<p>1. Obj. 6: We would like to see Ohio take additional actions to promote the implementation of green infrastructure as a valuable tool in reducing polluted stormwater runoff. Another bullet in the goals for 2014 - 2015 should add Green Infrastructure consideration for wastewater and storm water containment.</p> <p>2. Obj. 6: it is unclear what the objective: "Develop and propose unique construction general permits for the Grand and Chagrin watersheds" is trying to accomplish or address... The OEC strongly encourages the Commission to be less vague on this action item and rewrite it to be specific in what the Commission is trying to accomplish.</p>	<p>1. Thank you for the comment. We will take this under advisement.</p> <p>2. The Chagrin and Grand River watersheds have a mixture of urban development, agricultural land uses such as cultivated crops, and forest, yet both face significant development pressure. As a result, Ohio EPA has proposed development of an alternative general permit for storm water associated with construction activity specific to each of these watersheds. The alternative permit will implement many of the basic recommendations regarding the programs, activities and Best Management Practices developed through the Total Maximum Daily Load process. Ohio EPA believes implementation of these recommendations is necessary to protect the unique water quality and biological integrity of these watersheds.</p>
<p><b>Natural Flow Regimes</b></p>	
<p>1. In the bullet to reestablish natural flow regimes to Lake Erie tributaries, it should simply say create meandering ditches. Ditches are prevalent in western Lake Erie and should be identified and discussed in the plan as best designs to improve water quality.</p> <p>2. Obj. 7: The OEC would encourage the Commission to develop flow targets for each of the rivers and streams within Ohio's Lake Erie basin.</p>	<p>1. We respectfully disagree with a "meanders-only" ideal. We need to improve the hydrology which includes runoff reduction (overall volume and runoff rate reduction) so that the passive and more-natural treatment can occur in the stream and riparian areas adjacent to the stream. In the Western Lake Erie Basin, where nutrient loading is a problem, the loads are occurring during the highest flow runoff events. A lot of water is discharged in a few days, and a very small percentage of that runoff water is processed through natural</p>

		systems. 2. Thank you for the comment. We will take this under advisement.
	<b>Headwater Streams</b>	
	1. Under Protect, restore and enhance headwater streams. "Headwater streams with a watershed area generally less than one square mile are termed primary headwater streams. Over 80% of stream miles in Ohio are composed of these primary headwater streams" Please state the percentage in the Lake Erie watershed. 2. Obj. 8: We would strongly encourage the Commission to develop an action to adopt primary headwater habitat stream rules as proposed by the EPA last summer.	1. The percentage of primary headwater streams in the Lake Erie watershed is likely consistent with what is generally regarded as the statewide percentage of unnamed primary headwater streams, namely 80%; the remaining 20% are named stream and river miles which are delineated on standard 7.5' USGS topographic maps. 2. Thank you for the comment. We will take this under advisement.
<b>Invasive Species</b>	<b>General Invasive Species Comments</b>	
	1. Develop a Rapid Response Plan for the eradication of newly detected invasive species by December 2013. This has long been a goal. How can it move forward? The December 2013 date seems undoable? 2. Obj. 4: The OEC would encourage one additional (action item): "Work with the other Great Lakes states and Provinces of Ontario and Quebec to develop a screening tool to determine whether or not a species has the potential for being invasive."	1. A draft Rapid Response Plan is under development and the action item has been revised to reflect completion by mid-year 2014. 2. An action item reflecting development of a regional screening tool has been added. Additionally, the USFWS is working on a screening tool that will be used at a national level. A number of Great Lakes states and provinces are working cooperatively to move forward on programs that tighten up the Organisms In Trade route of introduction. Screening and risk assessment tools are currently being developed and tested by University of Notre Dame University.
	<b>Terrestrial Invasive Species</b>	
	1. The Emerald Ash Borer is a lost battle, so more resources should be redirected to prevent the spread of the next invasive species or disease. 2. The statement on phragmites control should be expanded with priority areas and coordination with ODOT and assistance to local government, and workshops on best management practices.	1. Thank you for the comment. We will take this under advisement. 2. Thank you for the comment.
	<b>Aquatic Invasive Species</b>	
1. Obj. 2: ...change the fourth action item under this objective to read: "Continue to monitor for Asian carp in Lake Erie using hoop and pound nets along with flow, as well as environmental DNA." 2. There needs to be a plan for what to do if live Asian Carp are found. The evidence that a problem has a probability to happen warrants a ' Plan of Attack.' 3. Should be a bullet about ballast control 4. The reductions of plankton and other 'fish food' are critical to sport fish and study and understanding and help in this area would be more productive than working on VHS.	1. The ODNR-Division of Wildlife currently employs a number of fisheries dependent and independent sampling gears to characterize the fish community of Lake Erie. In addition, other Lake Erie Committee agencies also employ these same sampling techniques on an annual basis. Annually, the Lake Erie Committee agencies sample nearly 1500 stations across Lake Erie to characterize fish communities. These assessment surveys form the core of the early detection program that the Division of Wildlife has implemented to date. Additionally, the Division of Wildlife has partnered with USFWS staff to further sample locations in Lake Erie that are deemed undersampled by the previous surveys to monitor for fish community changes, and the occurrence of Aquatic Invasive Species, including Asian carp. 2. The Ohio Asian Carp Tactical Plan will be completed before the end of 2013. The plan outlines strategies that the Division of Wildlife will pursue through 2020 to minimize the risks of introduction of Asian carp into closed inland waters of Ohio and the Lake Erie drainage basin within the context of what we currently know. It outlines strategies to further assess the risks of specific introduction pathways for which we will develop specific strategies to address. 3. Thank you for the comment. A federal standard for ballast water treatment is currently underway. 4. We agree that understanding long-term trends in lower trophic level productivity and its impact is a critical piece of information to help inform fisheries management on Lake Erie. The Division of Wildlife, along with other agencies (including Ohio Sea Grant and Ohio EPA) are currently assessing (and have been since the late 1990s) the status of lower trophic levels and lake productivity. The Division of Wildlife is currently funding a graduate research project that explores the linkages between changes in lower trophic levels and sport fish	

		recruitment in Lake Erie. Results from this research will be used to help guide decisions related how we manage the sport fisheries, and will be invaluable to Division of Wildlife staff in contributing to solutions to changes in these trophic levels. Program efforts will continue to address both trophic level productivity and VHS.
<b>Coastal Health</b>	<p><b>Coastal Pollution Issues</b></p> <ol style="list-style-type: none"> <li>Obj. 1: What agency will be responsible for identifying the un-sewered areas with failing systems? How will the areas be prioritized? Where will the funding come from? What agency will work with POTWs and others to advance the installation of public sewers in these areas?</li> <li>Obj. 1: It is unclear what the goal is for action item number five, as well as what specific steps will be taken to raise the profile of sewer agencies. Is the goal to "promote" these agencies and raise "awareness" of these agencies and the importance of their work, amongst the general public?</li> <li>Obj. 1: Regarding action item six, this action appears to be delaying an action that the LEC should be doing in the present. Rather than support initiatives to identify funding alternatives, we would encourage the LEC to start such an initiative.</li> <li>Allowing sewage overflows that should be treated until 2035 is unacceptable. This time table should be accelerated.</li> <li>There are more sewer plants than are listed on the chart. Lucas County, Defiance, to name a few. All should be listed.</li> <li>In Coastal Health – CSO list is only in Ohio, what about Michigan CSOs?</li> <li>The beach advisories are confusing. Ohio should offer a beach advisory web site with one place to determine if there is an algae or ecoli warning.</li> <li>Obj. 5: the OEC supports the proposed action to combine the two main algae information websites by the state of Ohio to transmit algae information. Further, the OEC would like to see the information that is provided on BeachGuard regarding bacterial contamination also available on the same website.</li> <li>Telling the public there is algae is good but we also need to include a progress report on what is being done to reduce sources and how effective the program is. Simply put (out) a report card.</li> <li>As written it does not include any strategy about protecting drinking water drawn from the coastal zone of Lake Erie. That is an area needing addressing since it is a potential threat to public health.</li> </ol>	<ol style="list-style-type: none"> <li>The Ohio Department of Health (ODH) assists Ohio EPA with the Clean Watersheds Needs Survey (CWNS) by surveying local health districts to identify problem areas. The CWNS, which is completed every four years by Ohio EPA, is crucial in estimating the monetary needs of local municipalities and counties for funding of water and wastewater infrastructure improvements. Additionally, through several initiatives, Ohio EPA, ODH and various funding/development agencies are doing a statewide initiative to identify areas where there is an imminent need for enhanced sewer infrastructure with a goal of being able to target small, unsewered communities. With the help of various funding/development programs (e.g. OWDA, WPCLP, HUD, Ohio Public Works, etc.) these lists will then be utilized to target most in need communities based upon financial need, magnitude of contamination and density of populations.</li> <li>Through the statewide Water Quality Management Plan program (Section 208 Planning), the Ohio EPA and seven other governmental agencies responsible for 208 planning describe and promote efficient and comprehensive programs for controlling water pollution from point and nonpoint sources in a defined geographic area. Ohio EPA is actively working with local sewerage agencies to document their current sewer service areas and identify future sewer needs in their planning areas. The Water Quality Management Plans identify how wastewater infrastructure needs should be approached beyond sewer agencies.</li> <li>Ohio EPA, ODH and various funding/development agencies are doing a statewide initiative to identify areas where there is an imminent need for enhanced sewer infrastructure with a goal of being able to target small, unsewered communities. With the help of various funding/development programs (e.g. OWDA, WPCLP, HUD, Ohio Public Works, etc.) these lists will then be utilized to target most in need communities based upon financial need, magnitude of contamination and density of populations. See <a href="http://epa.ohio.gov/dsw/mgmtplans/208index.aspx">http://epa.ohio.gov/dsw/mgmtplans/208index.aspx</a>.</li> <li>We will take this under advisement. The schedule of projects developed as part of a Long Term Control Plan typically requires completion of projects that have the greatest impact on sewer overflows earlier in the schedule. Extended project schedules, e.g. to year 2035, reflect the need to consider the relative benefits in pollutant reduction against the significant rate increases needed to fund the remaining projects.</li> <li>The communities that discharge the highest CSO volumes in the Lake Erie basin are included in the table due to their cumulative impact within the basin. As indicated in the reference text, Ohio EPA estimates that these six communities discharge an estimated 85% of the CSO volume in the Lake Erie Basin. There are 62 communities in the Lake Erie basin that had or have CSOs. For a complete list, please contact Ohio EPA Division of Surface Water.</li> <li>This level of detail is beyond the scope of the plan.</li> <li>The state utilizes both the BeachGuard advisory system and the Nowcast predictive modeling system to present the most up-to-date beach advisory information. Nowcast information is incorporated into the BeachGuard website. The decision was made to keep the E.coli advisories separate from the harmful algal bloom advisories at the state level.</li> <li>The action item related to the combination of two algae websites was revised due to an inaccuracy about two algae websites in the draft Plan. The action item has been revised to reflect two webpages on beach</li> </ol>



		<p>advisories; one on harmful algal blooms and the other on bacteria monitoring results. The state's main resource for algae information is <a href="http://www.ohioalgaefinfo.com">www.ohioalgaefinfo.com</a>.</p> <p>9. Thank you for the comment. The Ohio Lake Erie Commission expects to issue a <i>State of the Lake Report: Lake Erie Quality Index</i> in 2015, which will provide a broad overview of the condition of the Lake.</p> <p>10. Ohio EPA has developed a Public Water System Harmful Algal Bloom Response Strategy, available at <a href="http://epa.ohio.gov/Portals/28/documents/HABs/PWS-HABResponseStrategy5-22-2013.pdf">http://epa.ohio.gov/Portals/28/documents/HABs/PWS-HABResponseStrategy5-22-2013.pdf</a>. The strategy includes monitoring protocols and a public notification policy should a toxin be found in treated drinking water above threshold levels. Ohio EPA continues to reassess and modify the strategy as research and new data become available.</p>
	<p><b>Coastal Erosion Issues</b></p> <ol style="list-style-type: none"> <li>1. Decreasing water levels have helped to reduce erosion and this should be stated.</li> <li>2. An updated Coastal Design manual should include input and integration with local governments and codes.</li> <li>3. Coastal design should include Green Infrastructure</li> <li>4. Why is there no mention of the East Harbor beach restoration project?</li> </ol>	<ol style="list-style-type: none"> <li>1. Thank you for this comment. There is no change to the Plan on this topic at this time.</li> <li>2. The ODNR Ohio Coastal Design Manual is a technical document that relays engineering design and surveying standards and methodologies. The information in the Design Manual is based on guidance provided in the Ohio Revised Code and Ohio Administrative Code, which govern the practice of engineering and surveying in Ohio, and design standards developed by the U.S. Army Corps of Engineers.</li> </ol> <p>The Design Manual was peer-reviewed prior to publication, and a training session was held in December 2011 that targeted professional engineers and surveyors from local, county and state government agencies as well as private consultants. Feedback during that session was positive with suggestions for developing a second edition that includes more complex coastal projects.</p> <p>The Design Manual is not intended to be a regulatory document but rather to work in tandem with other ODNR Office of Coastal Management programs such as the Lake Erie Shore Erosion Management Plan and applicable regulatory programs. With the exception of a very limited number of communities who have set-back requirements along the shore of Lake Erie, most local governments do not have code related to the design of structures placed along the shore for purposes of erosion control or navigation.</p> <ol style="list-style-type: none"> <li>3. ODNR's Lake Erie Shore Erosion Management Plan and the Ohio Coastal Design Manual are being enhanced to highlight options for the incorporation of green infrastructure in coastal projects.</li> <li>4. There are no plans for further action on this project at this time.</li> </ol>
<p><b>Great Lakes Areas of Concern</b></p>	<p><b>Questions about AOCs</b></p> <ol style="list-style-type: none"> <li>1. A matrix of Ohio's Areas of Concern and the stage that they are at and the plan for delisting would be helpful</li> <li>2. The sediments from the Maumee River Area of Concern are now mostly open lake disposed. An action should be added to find funding for an alternative.</li> <li>3. Obj. 1: We have questions about what "Support assessment of Black River sediments at upper turning basin by federal partners" means. Does this mean that we are merely acknowledging that the federal agencies will be assessing the sediments in the Black River or something else? If something else, what?</li> <li>4. What does it mean to continue to be involved in and support Natural Resource Damages cases for the Ottawa River, Duck Creek, and Otter Creek? Similarly, what does "Provide assistance/support for GLLA projects in the Maumee AOC..." mean?</li> <li>5. Obj. 3: The OEC appreciates the Commission's inclusion of this strategic objective. This type of coordination of these particular planning documents, as noted by the Commission, will benefit the</li> </ol>	<ol style="list-style-type: none"> <li>1. Ohio EPA is currently evaluating our recommended restoration targets and status of each AOC and an updated matrix will be available on Ohio EPA's website in the near future at: <a href="http://epa.ohio.gov/dsw/lakeerie/index.aspx">http://epa.ohio.gov/dsw/lakeerie/index.aspx</a>.</li> <li>2. Dredging operations are discussed in the Dredged Sediment Management section of the LEPR.</li> <li>3. The Black River RAP requested and Ohio EPA has supported the request for the U.S. Army Corps of Engineers to conduct a sediment assessment study for the area in and around the upper turning basin. This work was initially planned for 2013 but has been delayed due to funding.</li> <li>4. The State's involvement in NRD cases in the Ottawa, Duck and Otter varies in each case. The State of Ohio is a co-Plaintiff to the Ottawa River NRD enforcement case with U.S. FWS. In the Duck and Otter case, U.S. FWS is the sole Plaintiff at this time. Although the State of Ohio is not legally involved in the case, they are providing information and assistance as allowable. There have been several GLLA projects in the Maumee AOC and U.S. EPA-GLNPO has requested varying levels of assistance for each one. Examples of requested assistance include helping with the permit process for the Ottawa River sediment removal project, and</li> </ol>



	watersheds.	removal of log jams in Swan Creek, assistance in equipment/boat access issues for the Maumee Phase 1 and 2, and discussion of potential sources for sediment site characterization projects. 5. Thank you for the comment.
<b>Toxic Pollutants</b>	<p><b>Questions about Toxic Pollutants</b></p> <p>1. Legislation should be sought to change the rules that currently allow government and private entities to apply herbicides to publically owned water, including Lake Erie. Under current rules, they must only notify the Director of Ohio EPA and use the product according to label directions. This allows the use of toxic herbicides in public waters of Lake Erie even over the objections of neighboring shoreline property owners.</p> <p>2. Has Maumee Bay, Sandusky Bay and Western Lake Erie ever been assessed for toxics in the sediments? If not, this plan should include making that assessment.</p> <p>3. There is another statement in this section that talks about toxic contamination in Lake Erie. Please include the basis for this statement in the plan.</p> <p>4. "Ohio EPA's Encouraging Environmental Excellence Program was created to compel Ohio business and others organizations to voluntarily reduce toxics and other pollutants throughout Ohio, and provide them with an incentive to commit to future environmental stewardship efforts. The program established the Bronze, Silver and Gold Levels between March 2012 and May 2013. The first Bronze Level participants were recognized in November 2012 and the first Silver Level awards were provided in May 2013." Is this program statewide? If so there should be an award program along these guidelines specifically for Lake Erie</p> <p>5. Is there TRI information for Maumee and Sandusky Bays and Lake Erie? If so please reference, if not should be added as goal in plan.</p>	<p>1. We will take this under advisement and objections over the practice will be considered when the federal or state EPA re-issues the general NPDES permit.</p> <p>2. Ohio EPAs nearshore monitoring program has included recent assessment of sediment toxics in Maumee Bay, Sandusky Bay and the Western Basin. Sediment samples were collected with a dredge and analyzed for metals, mercury, PAHs, PCBs and organochlorine insecticides. Western Basin ambient stations near the Toledo Lighthouse, West Sister Island and north of Port Clinton and Sandusky Bay near Johnsons Island were sampled in 2011. Maumee Bay near Immergrun, Cedar Point and north of Cullen Park and Sandusky Bay near Willow Point and the Bay/Portage Township Line were sampled in 2012. Under the AOC program, Great Lakes Legacy Act Sediment Site Characterizations have been requested for several areas of the Maumee AOC. Although some of these requested have been sampled, and other sampling is being planned, US EPA has not yet committed to a study for Maumee Bay.</p> <p>3. It was not clear to us which statement is being referenced.</p> <p>4. Ohio's Encouraging Environmental Excellence Program is a statewide program that serves all of Ohio. There is no intention at this time to offer a separate program to different watersheds in Ohio. However, the efforts of the businesses that are recognized for their environmental stewardship activities, include businesses in the Lake Erie Basin, and are worth recognition throughout Ohio.</p> <p>5. Additional TRI information has been added to the plan. Annual TRI reports for Ohio and county summaries are available at this link: <a href="http://epa.ohio.gov/dapc/tri/reptsdb.aspx">http://epa.ohio.gov/dapc/tri/reptsdb.aspx</a>. U.S. EPA also compiles all the reports into a database that can be accessed over the internet. For specific area or facility you can generate TRI reports from the following EPA links: U.S. EPA TRI <a href="http://www.epa.gov/TRI/">www.epa.gov/TRI/</a> U.S. EPA TRI Explorer <a href="http://www.epa.gov/triexplorer/">www.epa.gov/triexplorer/</a> Toxnet <a href="http://www.toxnet.nlm.nih.gov">www.toxnet.nlm.nih.gov</a> Envirofacts <a href="http://www.epa.gov/enviro/">www.epa.gov/enviro/</a> RTK Network <a href="http://www.rtknet.org">www.rtknet.org</a> The TRI data is also available on U.S. EPA's compliance website, along with the compliance history of facilities at: <a href="http://www.epa-echo.gov/echo/">http://www.epa-echo.gov/echo/</a>.</p>
<b>Habitat and Species</b>	<p><b>Wetland Protection</b></p> <p>1. Why only protect High Quality wetlands?</p> <p>2. Obj. 1: Action item one refers to "Ohio EPA's Wetland Program Plan." No information is available regarding the progress Ohio EPA has made in implementing this plan or the effectiveness of this plan. It is therefore impossible to know whether this proposed action item is appropriately included in the Lake Erie Restoration and Protection Plan.</p> <p>3. Obj. 1: Action item three simply states "continue to support protection of Ohio's coastal wetland habitats." How will this be accomplished? Not only what is meant by support but how in fact will Ohio's coastal wetlands be protected?</p> <p>4. Obj. 1: Action item four is simply stating an existing standard and does nothing to advance the protection or restoration of wetland habitat. Furthermore, the inclusion of "within the same</p>	<p>1. The words "high quality" have been removed from the narrative.</p> <p>2. Additional wetland information has been added to the plan. The Ohio EPA Wetland Program Plan was approved in 2011 and covers a five-year period (2011-2015). Many of the items address specific day-to-day tasks of the Ohio EPA 401 Unit, including regulating the state's wetlands and streams via the 401 and Isolated Wetland permit programs. These are, and will continue to be, done as a standard operating procedure of the 401 Unit. Others items identify grant research that is in-progress or has recently been completed since the approval of the plan (development of a level 1 wetland assessment tool, integration of wetlands into TMDL program, Ohio intensification study of the National Wetland Condition Assessment, etc.). There are also items that were identified as important for moving the wetland protection program forward, but would require additional staff and monetary resources to pursue. Ohio EPA wrote the plan with intention of continuing to</p>

<p>watershed where feasible" is often used as a loophole that enables mitigation out of the watershed despite the fact that mitigation is feasible (although more costly) within the same watershed.</p> <p>5. Obj. 1: Action item five, vaguely mentions supporting programs that promote reforestation of riparian forests. Are there any programs in existence currently? What specific programs will the Commission support? How will the Commission support these programs?</p> <p>6. Investigate feasibility for in-water restoration projects in coastal and nearshore habitats - please elaborate on what this is</p>	<p>improve our overall understanding of wetland resources and provide the additional information necessary to further protect these valuable resources. Considerable progress has been made on many of the items on the list, and we are continuing to investigate ways to fund the remaining items on the list. The approved plan can be viewed from the following location: <a href="http://water.epa.gov/type/wetlands/upload/oh_wpp.pdf">http://water.epa.gov/type/wetlands/upload/oh_wpp.pdf</a>.</p> <p>3. Additional wetland information has been added to the plan. The Ohio EPA 401 regulatory program requires ORAM scoring for all wetlands potentially impacted by a development project. Category 3 wetlands, which are those considered to be in excellent condition, and, therefore providing the highest level of ecological services, are protected at a higher level than wetlands in lower ecological condition (i.e., Category 1 or 2). In order to gain approval for Category 3 wetland impacts, applicants must demonstrate that the project meets a "public need," which is reserved for very few permitted activities. Lake Erie Coastal wetlands are considered to be automatic Category 3 wetlands, and are regulated as such, if they meet the following criteria:</p> <ol style="list-style-type: none"> <li>1) Occur at or below the 575 elevation line on USGS topographic maps,</li> <li>2) Are directly influenced by Lake Erie water level fluctuations, and</li> <li>3) The wetland is dominated by native hydrophytic vegetation.</li> </ol> <p>As long as these criteria have been met, it is very difficult to gain approval for impacting a Lake Erie coastal wetland. Information specific to ORAM as it relates to Lake Erie coastal wetlands can be found in the most recent ORAM manual (<a href="http://www.epa.ohio.gov/portals/35/401/oram50um_s.pdf">http://www.epa.ohio.gov/portals/35/401/oram50um_s.pdf</a>).</p> <p>4. Wetland mitigation information has been added to the plan. Ohio EPA generally prefers that mitigation occurs within the same watershed as the impacts, if opportunities for successful wetland restoration exist. The Ohio Interagency Review Team for mitigation banking (IRT) encourages in-watershed mitigation by typically limiting the extent of service areas to the 8-Digit HUC in which the bank resides, for impacts to higher quality resources. Recent changes to the isolated wetland law also assigns a 1.5 times penalty for mitigation to higher quality resources that occur outside the approved service area of a given bank (<a href="http://codes.ohio.gov/orc/6111.023">http://codes.ohio.gov/orc/6111.023</a>). If no viable mitigation site exists within a watershed, however, rather than trying to impose wetland mitigation to sites that are not amenable to restoration, and therefore not likely to provide the desired ecological services, contingencies do exist to allow mitigation beyond the watershed boundary. One way that this process could be dramatically improved would be to identify potential restoration opportunities up-front, so that those in need of mitigation would have a greater number of options available to them. Ohio EPA currently maintains a database of these projects, called the Surface Water Enhancement, Restoration, and Protection Clearinghouse (<a href="http://wwwapp.epa.ohio.gov/dsw/gis/swerp/index.php">http://wwwapp.epa.ohio.gov/dsw/gis/swerp/index.php</a>), which provides a mechanism for the regulated community to identify potential mitigation sites on a watershed basis. Adding additional sites to this database is an excellent way to reduce the number of mitigation projects that occur outside of a watershed.</p> <p>5. The Commission supports ODNR reforestation programming efforts. ODNR promotes the reforestation of riparian forests through their landowner assistance programs, and woodland management that maintains its benefits. The Lake Erie CREP program administered by the ODNR Division of Soil and Water Conservation includes a riparian hardwood reforestation practice, which to date has over 2,500 acres enrolled. In addition, through a Western Lake Erie Basin Emerald Ash Borer Riparian Restoration sub grant from the ODNR Division of Forestry, the Seneca and Fulton County SWCD's developed reforestation plans for 100 landowners that included over 8,400 ash trees in riparian areas being replaced with a like number of other native hardwood species.</p> <p>6. This Action Item refers to projects located in the nearshore and coastal areas that may provide ecological benefits.</p>
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	<b>Protection of fish</b>	
	<p>1. Begin restoration of lake sturgeon and sauger, 2 species that were once a major component of the fish community and are recognized by ODNR/Division of Wildlife as desirable species to re-stock.</p> <p>2. There needs to be a statement on the declining number of walleye, yellow perch and other sport fish and a decline in the number of charter boats. This information should then be made into a goal that assess the Lake Erie sport fishery, food chain, impacts of algae and excess nutrient and other factors contributing to the decline.</p>	<p>1. The Ohio DNR is actively pursuing the restoration of sauger in the western basin of Lake Erie. We are currently in the process of having historic genetic samples analyzed to determine potential brood stock sources for reintroduction. With respect to lake sturgeon, we are also pursuing options for reintroduction of this species; however, at the current moment we are not as far along with this endeavor as sauger re-introduction.</p> <p>2. There has clearly been a shift in recruitment patterns observed since the 1980s; however, the factors (e.g., ecological, climatic, human actions) that have contributed to this shift are less clear. While the number of walleye, yellow perch and other sport fish is a source of concern, the Ohio DNR also recognizes that recruitment variability is inherent with managing natural systems. Since we have observed shifts in recruitment which drives the fisheries, the Ohio DNR will consider evaluating the effect these factors (either individually or acting in concert) have on the aquatic ecosystem of Lake Erie.</p>
<b>Indicators and Information</b>	<b>Suggestions for monitoring activities</b>	
	<p>1. ...(C)oordinate in-lake and tributary monitoring, set benchmarks for phosphorous and nitrogen loads, and identify problem areas. There needs to be federal coordination between the United States and Canada to monitor consistently and provide annual report cards that determine whether we are making progress or losing ground in controlling and reducing Lake Erie algae.</p> <p>2. ...(I)ncrease communications with Lake Erie watershed monitoring groups and support volunteer monitoring that helps assess the source of stormwater and agricultural runoff pollution.</p> <p>3. Mentions only state monitoring, what about collaborations with federal agencies, Stone Lab group?</p> <p>4. It would be very helpful for assessing the impact of various measures if data were collected on the use of fertilizers: the amounts, locations, dates, and methods of application.</p> <p>5. ...we would suggest that instead of "encouraging open lake monitoring to better understand the trends and seasonal variability" and "Support volunteer data collection by the Lake Erie Charter Boat Captains in the western basin" that the Commission develop a plan to create a comprehensive monitoring system for the Ohio Lake Erie basin.</p> <p>6. In addition to tracking the trends of HAB's, the OEC would encourage the Commission to amend this objective to include tracking the impacts of HABs on a variety of factors, including: the Lake Erie Dead Zone, POTWs treatment costs, and tourism among others.</p>	<p>1. Setting up a formal, coordinated system of monitoring may be beyond current available resources. Federal, state, and local governments and private and academic entities share their data and expertise through informal networks.</p> <p>2. Ohio EPA encourages volunteer monitoring as a useful educational tool.</p> <p>3. Federal, state, and local governments and private and academic entities share their data and expertise through informal networks.</p> <p>4. We agree this information could be useful in an aggregated form. There are significant costs and logistical issues associated with data collection from individual operations. We will take this comment under advisement.</p> <p>5. Setting up a formal, coordinated system of monitoring may be beyond current available resources.</p> <p>6. We agree that tracking HAB related trends is important and will include a reference to this effect in the plan.</p>
	<b>LEQI</b>	
	<p>1. Issue a State of the Lake report every 10 years using the LEQI. This needs to be every three years - ten years too long</p> <p>2. Lake Erie Quality Index should be coordinated with information from the Cooperative Science Monitoring Initiative (CSMI)</p>	<p>1. Our prior experience has been that most indicators do not change substantially in that time frame. Also, there are not sufficient resources available to support the level of effort in publishing the LEQI every three years.</p> <p>2. Although not called out in the Plan, this is the intent.</p>
<b>Sustainable Development</b>	<b>Windmills</b>	
	<p>1. The draft report states a wish to minimize impacts of windmills placed in the lake. Why allow them at all? They will be an obstruction to boating, fishing, an eyesore, obstruction to bird migration, a mechanical nightmare and in 30 years, they will most likely need to be removed as obsolete, probably at the public's expense!</p>	<p>1. Thank you for sharing your thoughts on wind power.</p>
	<b>Fishing</b>	

	<ol style="list-style-type: none"> <li>1. Fall is missing an example of Lake Erie’s 4-seasons of fishing. A perfect, classic example of fall fishing is heading out for yellow perch.</li> <li>2. There should be another bullet for charter boats and individual sport fishing.</li> <li>3. Boating and tourism should be in this section also.</li> </ol>	<ol style="list-style-type: none"> <li>1. We have added reference to fall fishing opportunities.</li> <li>2. These activities are part of routine enforcement.</li> <li>3. Thank you for your comment.</li> </ol>
	<p><b>Balanced Growth/Green Infrastructure</b></p> <ol style="list-style-type: none"> <li>1. ...request the report more conspicuously state the plan and what it requires is completely voluntary...</li> <li>2. ...section attaches too much impact to new development when issues are with existing areas of urban development.</li> <li>3. ...language...urging toward mass transit oriented development offends free market development and should be removed or toned down considerably.</li> <li>4. The State of Ohio should not support local watershed groups or efforts which do not reflect the views of the development community, local government, or land owners. ...(I)t is important to note that watershed plans do not override approved local zoning and development standards.</li> <li>5. ...section does not mention the state’s intention to also declare the promotion of affordable housing...</li> <li>6. The Commission needs to encourage various efforts to slow down water flow into Lake Erie such as green infrastructure, rain gardens, pervious pavements, and increased protection on all wetlands within the watershed.</li> <li>7. (T)he US Army Corps of Engineers - Buffalo District - and the OhioEPA (should) ensure that developing companies are not granted permits for projects that would significantly degrade wetlands within the Lake Erie watershed. ...any off-site wetland mitigation (should) take place within the HUC-12 watersheds so as to minimize degradation to Lake Erie's tributaries.</li> <li>8. For Balanced Growth to help the most - needs to also be in communities at the outfalls of tributaries to Lake Erie.</li> <li>9. "Update the Rainwater and Land Development Manual with current standards, including incorporation of volume control crediting in order maintain pre-development flow regime." Not only current standards but also the basis for the standard needs to be updated for changing weather</li> <li>10. "Update the Rainwater and Land Development Manual with current standards, including incorporation of volume control crediting in order maintain pre-development flow regime." This should also apply to Lake Erie bays and rivers</li> <li>11. "Pursue funding for restroom renovations at Geneva State Park as part of a larger project plan in partnership with Ashtabula County." Should add funding to restore the Toledo and other lighthouses that are part of the lake's history.</li> </ol>	<ol style="list-style-type: none"> <li>1. Language added to emphasize voluntary nature of program.</li> <li>2. We have added text to include redevelopment/existing urban areas as they are included in the Balanced Growth Program as well.</li> <li>3. Research indicates that mass transit can produce increased market values for nearby development. However, it is not necessary to provide this level of detail here so the text has been removed.</li> <li>4. We recognize that watershed plans are voluntary and do not supersede local regulation.</li> <li>5. Affordable housing is beyond the scope of Commission agency programs.</li> <li>6. We encourage these efforts with the technical resources developed for the Best Local Land Use Practices portion of the Ohio Balanced Growth program.</li> <li>7. Thank you for your comment. We agree that in-watershed mitigation, where mitigation is absolutely necessary, is the preferred option. Through the Ohio Balanced Growth Program, we have explored different options for in-watershed mitigation. One pilot project is underway in the Chagrin River watershed to provide additional mitigation sites.</li> <li>8. We encourage communities that would like to volunteer to participate to do so, regardless of their location in the Lake Erie basin.</li> <li>9. The Rainwater and Land Development Manual encourages use of the latest rainfall datasets from NOAA for design, and may incorporate recommended approaches to projected climate change in the future.</li> <li>10. Generally, the standards in the Rainwater and Land Development Manual are applicable to all water resources and encourage the control of pollutants and reduction of potential downstream erosion. Future tools and specifications regarding volume control should be applicable to all sites as well. The manual currently utilizes the Critical Storm Method as the basis for determining the need for large storm management or peak discharge control and it should be noted that peak discharge control (not volume control) in some situations (such as near a large lake or higher order stream) may be ineffective or add to a peak flow.</li> <li>11. We will take this under advisement.</li> </ol>
<p><b>Water Withdrawals</b></p>	<p><b>Comments on “Adverse Impacts”</b></p> <ol style="list-style-type: none"> <li>1. The goal calls for "reduce significant adverse impacts." I would like to see the documentation for "significant" impacts. Perhaps the goals should be more specific and focus on demonstrated impacts.</li> <li>2. How is the Lake Erie Commission involved in the development and implementation of the water withdrawal program under the Great Lakes Compact?</li> <li>3. How will the Commission ensure that the standards that are adopted are protective of Lake Erie</li> </ol>	<ol style="list-style-type: none"> <li>1. With regard to significant adverse impacts from new or increased withdrawals and consumptive uses, Section 4.11.2 states: The Withdrawal or Consumptive Use will be implemented so as to ensure that the Proposal will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources and the applicable Source Watershed; In addition, ORC 1522.13 (B) states: ...the chief shall require that a withdrawal or consumptive use will be implemented so as to ensure that the withdrawal or consumptive use will result in no significant individual or cumulative adverse</li> </ol>

	<p>and its tributaries?</p> <p>4. The Great Lakes Compact requires that all great lakes states prohibit all significant adverse impacts. As such, the stated goal should not be to "reduce significant adverse impacts," but to "prohibit all significant adverse impacts."</p> <p>5. While complying with the Am. H.B. 473 puts us out of compliance with the Compact, it should be noted that in fact, Ohio has already failed to meet one requirement of H.B. 473, adoption of rules by March 2013. H.B. 473 required that ODNR adopt rules for implementation of the water withdrawal and consumptive use permitting program by March 2013. ODNR has not yet begun the required rulemaking process under H.B. 473, which requires the convening of a stakeholder advisory committee.</p> <p>6. This objective has a single action item for 2014-2015 which is the continue development and implementation of a voluntary water conservation program. This action item raises several questions. First, the Great Lakes Compact Advisory Board, created after the adoption of Ohio H.B. 416, developed recommendations (in 2010) regarding a voluntary water conservation program. Why has the state not moved forward with these recommendations? What actions has the state taken since these recommendations were published? What is the timeline for the implementation of a water conservation program?</p>	<p>impacts on the quantity or quality of the waters and water dependent natural resources of the great lakes basin considered as a whole or of the Lake Erie source watershed considered as a whole.</p> <p>2. The Commission is not directly involved. The Ohio Department of Natural Resources, Division of Soil and Water Resources oversees the State's water withdrawal facility registration program and regulation of water withdrawals at specified threshold levels.</p> <p>3. The Commission is not directly involved. The Ohio Department of Natural Resources, Division of Soil and Water Resources oversees the State's water withdrawal program. The Commission will provide input and feedback as the adaptive management strategies progress.</p> <p>4. With regard to significant adverse impacts from new or increased withdrawals and consumptive uses, Section 4.11.2 states: The Withdrawal or Consumptive Use will be implemented so as to ensure that the Proposal will result in no significant individual or cumulative adverse impacts to the quantity or quality of the Waters and Water Dependent Natural Resources and the applicable Source Watershed; In addition, ORC 1522.13 (B) states: ...the chief shall require that a withdrawal or consumptive use will be implemented so as to ensure that the withdrawal or consumptive use will result in no significant individual or cumulative adverse impacts on the quantity or quality of the waters and water dependent natural resources of the great lakes basin considered as a whole or of the Lake Erie source watershed considered as a whole. We agree it is appropriate to modify the goal in light of these statements.</p> <p>5. Section 3 of House Bill 473 states that recommendations for the application of Section 4.11.2 are to be completed within 18 month of the effective date of the Act, which is September 4, 2012. The advisory group described in Section 3 is in the process of developing recommendations. ORC 1522.05 requires the chief of the Division of Soil and Water to convene a working group that will consult with the chief regarding the adoption of rules; however a timeline for this action is not specified. This is listed as an action item to be completed.</p> <p>6. The Commission is currently funding a project that will provide preliminary information for a water conservation program. In addition, The Ohio Department of Natural Resources, Division of Soil and Water Resources is developing a web page with descriptions and links to water conservation methodologies.</p>
<b>Climate Change</b>	<p><b>Water levels</b></p> <p>1. Several marinas were built during high water years, and as such, dredging permits should be highly scrutinized now that the water level is near normal levels.</p>	<p>1. Thank you for the comment.</p>
<b>Jobs and the Economy</b>	<p><b>Paddle Craft</b></p> <p>1. Since the popularity of paddle-craft is increasing quickly, several well-publicized accidents, including fatalities, have occurred in the past couple of seasons. ODNR/Watercraft should initiate safety training for Kayaks and other "paddle craft".</p>	<p>1. Ohio law requires boating education for those born after 1981, and operate a powered boat with greater than 10 hp motor. In addition to resources aimed at meeting this education requirement for boaters, safety education courses and recommendations for paddle sports are also provided at the following web sites:  <a href="http://watercraft.ohiodnr.gov/coursesearch">http://watercraft.ohiodnr.gov/coursesearch</a>  <a href="http://watercraft.ohiodnr.gov/education-safety/safety-tips-for-every-boater/activity-specific-safety/paddlers">http://watercraft.ohiodnr.gov/education-safety/safety-tips-for-every-boater/activity-specific-safety/paddlers</a>          Since 2003, the ODNR-Division of Watercraft has offered 14 paddling related courses annually. The Division of Watercraft annually provides grant money to further educate and train the public in paddle sport. Last year, over 700 courses were conducted by 23 grant recipients. Additionally, Watercraft participates in local and statewide events that target the paddle sport industry by having display booths and offering publications/information.</p>
	<p><b>Lighthouses</b></p> <p>1. Lighthouses are a huge opportunity for Lake Erie tourism. Lighthouses are amongst the leading</p>	<p>1. Thank you for the comment. We will take this under advisement.</p>

	tourist destination in the nation. This section should add Ohio lighthouses and the development of a tourism attraction program along with funding for restoration as Michigan has done.	
<b>Dredged Sediment Management</b>	<b>General Dredged Sediment Management Comments</b>	
	<p>1. Perhaps a second goal should be added that states something like, "Work toward considering dredged material as a resource, not a waste product to be disposed of, by developing beneficial uses of the material and marketing schemes."</p> <p>2. I would like to know if your plan addresses open lake disposal of dredging operations conducted by the US Army Corp of Engineers.</p> <p>3. The Commission should not only review data that the U.S. Army Corps of Engineers (Corps) collects, but should also monitor around the disposal of the materials in the western Lake Erie basin to ensure that the water quality sampling was done properly.</p>	<p>1. These ideas are embodied in the goal and throughout this section of the plan; therefore an additional goal was not added.</p> <p>2. The plan emphasizes beneficial reuse of dredged material in a variety of ways. There is one action item that specifically mentions open lake disposal: "Review data to be provided by the US Army Corps of Engineers on nutrient releases in the open lake disposal area in the western basin. Ohio EPA included a condition in the Section 401 Water Quality Certification to the Corps to conduct water quality data collection during the 2013 dredging season."</p> <p>3. Thank you for your comment. We will take this under advisement as future sampling efforts are planned.</p>
	<b>Beneficial Reuse</b>	
	1. How do you intend to have beneficial reuse of dredged material when most times it is considered hazardous?	1. Any sediments approved for beneficial reuse will have to meet appropriate federal and state risk based standards for the intended use of the material.