



OHIO LAKE ERIE COMMISSION MEETING

**Ohio Department of Natural Resources (ODNR)
2045 Morse Road, Assembly Center
Columbus, OH 43229**

Wednesday, Dec. 8, 2021 @ 10:00 a.m.

Call to Order and Roll Call - Mary Mertz, Director, Ohio Department of Natural Resources and Commission Secretary

The Ohio Lake Erie Commission (OLEC) meeting was called to order at 10:00 a.m.

Commission Members Present:

Mary Mertz, Director, Ohio Department of Natural Resources (ODNR)
Jack Marchbanks, Director, Ohio Department of Transportation (ODOT)
Laura Factor, Director's Designee, Ohio Environmental Protection Agency (EPA)
Gene Philips, Director's Designee, Ohio Department of Health (ODH)
Matthew Redfield, Director's Designee, Ohio Department of Development (DOD)
Tracy Intihar, Director's Designee, Ohio Department of Agriculture (ODA)
Danielle Giannantonio, Commissioner
Jim Stouffer, Commissioner
Crystal Davis, Commissioner
Kate Barter, Commissioner
Diane Miller, Commissioner

Staff Present:

Joy Mulinex, OLEC
Lynn Garrity, OLEC
Sandra Kosek-Sills OLEC

Guests:

Erika Jensen, Executive Director, Great Lakes Commission
12 observers in the audience

Welcome and Agenda Overview: Mary Mertz, Director, ODNR

Director Mertz called the meeting to order and welcomed everyone. She asked for a roll call. (roll call)

Commissioner Diane Miller moved the following resolution:

Resolved, that the Commission approves the meeting minutes from September 3, 2021. Jim Stouffer seconded the motion.

No discussion followed. A roll-call vote was held, and Commission members voted all in favor. The motion carried.

Director Mertz discussed, as follow-up on previous conversations, the role of the Commission's special advisors, noting it has been over 20 years since the Commission considered the advisor roles. She then introduced Lynn Garrity for a Lake Erie Advisors Review.

Lynn Garrity presented based upon the input received, LEC staff recommends that the Commission establish a subcommittee in 2022 to:

- Review the summary from the input received in 2021;
- Identify future Lake Erie Advisors and;
- Determine "operating" procedures for reports from advisors.

It is anticipated 1-3 meetings with subcommittee and then recommendations would be presented at a 2022 Lake Erie Commission meeting for consideration.

There was a pause for comments/questions. Director Marchbanks asked what the timeframe was and when the Commission was expected to make a decision about advisors. Lynn Garrity stated the Commission needs to review from an operating standpoint. Jim Stouffer asked if there was a list of candidates. Director Mertz indicated it was the role of the committee to put the list together.

Director Jack Marchbanks moved the following resolution:

Resolved, that the Commission establish a subcommittee of Commissioners or their designees to review the current participation of advisors and report back to the full Commission on recommendations for future advisor reports and procedures.

Diane Miller seconded the motion.

Crystal Davis noted she appreciates the Commission's opportunity to review the information and ensure we consider diversity around the lakes.

Kate Bartter recommended we place a timeframe on the decision and the subcommittee report back by a certain date. She also recommended that full diversity of interests be considered.

Director Jack Marchbanks moved to amend the motion:

Resolved to amend the motion to make recommendations about advisor participation and procedures by the Commission meeting in June and ensure diversity around the lakes is part of that consideration.

Diane Miller seconded the amendment.

A roll-call vote followed, and Commission members voted all in favor. The amendment carried.

Ms. Factor asked what the process was to select members for the subcommittee.

Director Mulinex indicated the Commission would ask for volunteers.

At this time, Kate Bartter, Crystal Davis, Danielle Giannantonio, and Jim Stouffer all volunteered to participate on the subcommittee.

Director Mertz then introduced Erika Jensen, Executive Director of the Great Lakes Commission for a special report.

Special Report: Erika Jensen, Executive Director, Great Lakes Commission presented on the Federal Infrastructure Bill and Lake Erie and the Commission's involvement/intention to track closely and share information to each of the states.

Following the presentation, Ms. Bartter asked if we knew how much Ohio is expecting from formula funds. Knowing this information would be beneficial to the Commission.

Ms. Factor said regarding wastewater, US EPA has a statutory formula to divide the funds and that Governor DeWine indicated Ohio would be getting a certain amount through IIJA.

Director Mulinex said the Commission has had internal communication on how to help agencies. There is much to apply for, maintain, and report on. It would be nice to know how other states are doing it and look back at any lessons learned from the ARRA stimulus bill.

Ms. Bartter asked if there was a decision by region 5 or a direction in the law of what to use the GLRI money for?

Ms. Davis said that she met with Regional Administrator Deborah Shore and about diversity and how to embed environmental justice in GLRI funding.

Director Jensen – GLRI funds known as 2 years money. This new 1 billion is “no year money” which will be a benefit for Areas of Concern.

Director Mertz said the GLC is great resource for this Commission, and she appreciates Erika's participation in today's meeting.

Ms. Bartter said this group should be an advisor for OLEC.

Ohio Lake Erie Commission Office Report:

Director Mulinex said the Commission is turning 30 next year. It's also a big anniversary year for EPA and Clean Water Act turning 50. Looking at ways to build enthusiasm for Lake Erie and Lake Erie license plate sales.

The Commission has a new communications staff member, Nicole Knab, to help build branding and logo. On the financial side, Commission is doing well because of staff turnover. A Commission staff retreat is coming in January.

The USEPA released a new Lake Erie Lakewide Action and Management Plan (LAMP) for 2019-2023. The 2020 LAMP Annual Report is also out, and the authors highlighted items specific to Ohio in it. Director Mulinex participated in the Great Lakes Executive Committee meeting last week and presented on H2Ohio. There is a growing interest in what Ohio is doing.

Sandra Kosek-Sills provided updates on projects under the 2018 GLRI Domestic Action Plan Implementation grant. Four subgrants are still underway. To date, the work from the grant has resulted in over 42 acres of wetland restoration and over 4,000 acres of fields with subsurface fertilizer placement. Sandra noted that the Soil and Water Conservation Districts are heavily involved/engaged.

Sandra reported that the Lake Erie Quality Index was last published in 2004. The new LEQI is in development and structured slightly differently. There are six sections, one for each OLEC agency commissioner. Commission staff will be coordinating with each agency for introductions content on their programs and priorities for Lake Erie.

Lynn Garrity reported on progress of the Areas of Concern, sharing metrics for the Areas of Concerns in Ohio and providing updates on the Beneficial Use impairments that remain.

Lynn presented GLRI updates on funding received in Ohio among the five focus areas under GLRI. FFY2021 funding awards won't be publicly available from U.S. EPA until March 2022.

Kate Bartter asked about habitat numbers and what is going on.

Mary Mertz said ODNR is being aggressive and pointing out all the benefits habitat development can have towards water quality and wildlife support. There are many opportunities we could use money for through GLRI over. Infrastructure bill funding for GLRI is intended to be used for Areas of Concern.

Lynn Garrity stated that there is a last big push towards delisting the remaining Areas of Concern in Ohio and there remains significant costs associated with Great Lakes Legacy projects.

Lynn highlighted the GLRI funded project awarded to Ohio Department of Health related to outreach and increase of public awareness on fish consumption. The highlights serve as an interim update for a future presentation by DOH upon completion of the project in 2022-23.

Lynn presented an overview of the current status of grants that the Commission has been awarded and administers.

Commissioner Reports:

Director Mertz announced that next year (2022) is the 200th anniversary of Marblehead lighthouse. She invited the group to join us in the celebration.

Director Marchbanks announced that ODOT partnered with Cleveland to construct the North Coast Harbor Bridge. This new lift bridge provides continuous pedestrian access along Lake Erie behind the Great Lakes Science Center at Rock and Roll Hall of Fame, while still allowing boat access up to the Cleveland harbor. The bridge was completed last fall, ribbon cutting is scheduled for next Wednesday, Dec. 15th. It was a 13.4 million project is an amazing addition to the city of Cleveland and provides much needed access to the lakefront. He stated they are happy to be part of the partnership.

Gene Phillips from the Department of Health noted that their wallet cards and handouts on fish consumption advisory are on their website. Recreational strategy update is ready for next season. Additionally, they have enhanced reporting functionality for agencies and entities entering their data. ODH is continuing preparing beach monitoring data for submission to EPA.

Matthew Redfield from the Department of Development reported on the water/wastewater infrastructure grant was announced by Governor. \$250 million spent, 1,200 grant applications with \$1.4 billion requested and 183 projects awarded across the state with this funding. He noted they would be asking for more dollars for this program.

Tracy Intihar from the Department of Agriculture said they are charging forward on the VNMP component of H2Ohio with a ten-county expansion. They have 800 producers enrolled with more than 600,000 acres in voluntary nutrient management plan – which is the first step. This represents more than \$11 million in incentives and encompasses 36% of the crop land. They also reopened the program in the original 14 counties to producers. That will remain open until Jan. 15th. They are also implementing HB7, the statewide watershed planning program. They have hired 5 of 7 watershed managers in those regions with the final 2 accepted and working through the final HR steps. Agriculture is compiling data for the 2021 crop year and are doing training this month with Soil and Water Conservation District in the expansion area to help support data collection.

Laura Factor from Ohio EPA indicated that Director Stevenson was on the road for ARPA dollar announcements. The update on H2Ohio since the last meeting, the Governor announced \$3.7 million of OEPA's portion of their \$10 million for year 3 of H2Ohio. Those went to communities throughout the state, not primarily the Lake Erie basin. They will be getting back on treatment system grants later this year. They are looking at the Federal Infrastructure bill and trying to get hundreds of millions out the door. Technology Assessment Program for evaluating innovation for nutrient management and reduction is nearing completion and OWDA research board will be reviewing the projects and will come before the board early next year.

Jim Stouffer said regardless of COVID, there is still much energy, enthusiasm, and interest in 2021 in the lake. LEMTA will have its boat show in Cleveland in January to get folks thinking about the lake and marine tourism. It has been a very successful year for boat dealers, that relates to tax revenues and jobs. He is also part of OCIC, economic development, and they have investments with Peloton in NW Ohio and are working with EPA to draw resources to help stimulate economic development. Working with LEMTA to possibly resurrect a new marina recycling program that will encourage a push towards single source plastic management. Algae blooms are still concerning. Tourism is important at Lake Erie, and it must be inviting and enjoyable for them. What this Commission is doing is important and we are making a difference.

Crystal Davis with the Alliance for the Great Lakes noted that they work to lift up environmental justice. She was happy to partner with Healing Our Waters Great Lakes Coalition last year for a report of equity analysis of the current GLRI program. One of the recommendations is that we provide additional GLRI grants to communities of color, indigenous communities, and low-income communities, recognizing that ecosystem restoration can also revitalize our communities and economies at the same time. There's a chance to talk about environmental justice with setting standards for community representation and inclusion for the public advisory councils that include demographic and social economic indicators, holding the councils accountable that fail to meet these standards. This can be accomplished by enlisting advisory councils in the beginning not the end and by providing funding to public advisory councils to implement those changes the right way.

Danielle Giannantonio shared some of the news from her federal networks. The USEPA is currently developing their guidance on SRF funding and is estimated guidance to be out the end of January. They started reaching out to water and wastewater utility trade associations asking if their members have comments. Ohio is fortunate because our SRF program is incredible compared to other states. She heard the FFY2022 roll out to the states will be around April, and potential regional guidance. NEORS 50th anniversary is also in 2022.

Diane Miller announced that the 12th International conference on toxic cyanobacteria will be held in Toledo in May. It is a collaboration between several agencies, and she will share the link with information. She mentioned the COMPASS program that UT has been involved with, with the US Department of Energy and said this week they are

hosting scientists from Pacific Northwest Lab and others at Port Clinton. They are visiting sites all over the coast for future collection of samples, getting data, and installing instrumentation. The COMPASS program is finding a great overlap with H2Ohio and partnership opportunities in their 2-10 year/long term projects. The information on Dr. McKay's report that was sent out was interesting and the Toledo Blade did an article.

Kate Bartter from OSU said the Great Lakes Protection Fund has reached the highest year of income ever, with about \$160 million in endowments. They decided that next year they would increase the grant goal from \$3 to \$4 million. The Board would like to focus energy on water quantity related issues around water use. They have done a lot with nutrient management, which will continue. Congratulations to Crystal Davis for winning the Leadership Award from the Great Lakes Protection Fund. OSU is excited to announce almost \$7 million in federal funds brought in for a collaborative pilot watershed program with OSU, University of Toledo, and Bowling Green.

Mary Mertz thanked Erika for her presentation, noting that Ohio's Great Lakes Commission members are outlined in Ohio statute, where other states may be different. For the H2Ohio report, we have about 80 projects in the works with a few more contracts to sign. When July 1st comes, ODNR will have another 1-2 dozen projects lined up and ready to go. Those are unprecedented wetland building in Ohio, which should give us well over \$100 million invested in wetland activity. She invited everyone to attend ODNR's ribbon cutting events.

Partner Reports:

Chris Winslow of Ohio Sea Grant, highlighted work at LEARNS with H2Ohio efforts. They have been in wetlands all year long and have a meeting January 10-13th where that team will meet with ODNR staff on each wetland site to talk about what is and isn't working. Last week he met at Ohio University to see if we can move that LEARN network south in the state. Ohio Department of Higher Education's HABRI (Harmful Algal Blooms Research Initiative) has funding, putting an RFP out, with pre-proposals due in February. Priorities are all agency driven, with most concentrating on H2Ohio efforts. Glad to hear marine debris and infrastructure came up. \$50 million was put in the infrastructure bill for Marine Debris to go to the sea grant programs. We are hoping Stone Lab is back to business as usual after a 2-year shutdown. Excited about DEI and environmental justice. They have been successful in getting funding to bring under-represented school children out to the island for free. Also received a grant through NOAA to offer a week-long workshop for under-represented kids to get into fisheries and fishery science.

Joe MacDonald, Director of Strategic and Environmental Planning at NOACA said he had 3 items to highlight. First the mapping of critical sewage areas at OEPA's request. They have mapped the unsewered housing development in Lorain and Lake counties. They continue to map the other 3 counties during this current FY. They met with Lorain County public health and mapped their wastewater areas of concern and plan to extend that to the other 4 counties. Concerns are of old and failing sewage treatment systems,

causing threats. Ultimate goal is to identify low and moderate income areas where the primary hurdle to address wastewater issues might be funding. Second, non-point source implementation strategies plan continues, with efforts in the City of Akron, Chagrin River Watershed partners in Summit County. Lastly, Black River total maximum daily load public engagement, they are working with Lorain County on outreach for the draft TMDL.

Mark Smith, who does tri-state coordination for NRCS, said RCPP proposal that was accepted by OSU, where roughly \$7 million focused in Shallow Run in Hardin County that concentrates practices in a small watershed and they will monitor results to determine the effects of dense concentration conservation practices. Also, they funded 2 separate RCPP projects, one with ODA to service the eastern portion non-shared watersheds in Western Lake Erie Basin and one submitted by Indiana Department of Ag that will withing Indiana, Michigan, and Ohio. A total of about \$23 million was put into the watershed for multiple years through the RCCP program. Additionally announced, they will put approximately \$2.3 million towards special cover crop program for the entire Lake Erie watershed area. It will put a few more dollars in the non- western Lake Erie Basin counties that weren't focused on previously. GLRI that was brought up earlier, last year they spent about \$1.1 in western basin and allocated \$1.5 for 2022. For the CRP program, they were successful in bringing in wetland projects across the state.

Public Comment: *Interested parties are welcome to make a brief comment prior to the close of the meeting.*

John Hull. Next Wednesday is a public meeting for the Great Lakes Advisory Board of GLRI to discuss 6 charge questions regarding topics discussed in various programs today, including invasive species, habitat restoration, and nutrients, and environmental justice issues. The Board is working on formal response to GLNPO. The public is welcome to listen in and public comment time will be allocated.

Director Mertz indicated the Ohio Lake Erie Commission meeting dates are scheduled with locations to be determined.

Commissioner Stouffer moved to adjourn the meeting. Commissioner Giannantonio seconded. A roll-call vote followed.

Meeting was adjourned at 12:00 p.m.

Signature of Secretary: Mary Mertz
Date: March 22, 2022

Signature of Chair: Laurie A. Stevenson
Date: March 23, 2022