



OHIO LAKE ERIE COMMISSION MEETING

March 10, 2021 10 a.m.

Webinar

Call to Order and Roll Call--Laurie Stevenson, Director, Ohio EPA and Commission Chair

The Ohio Lake Erie Commission (OLEC) meeting was called to order at 10:06 a.m.

Commission Members Present:

Laurie Stevenson, Director, Ohio EPA, OLEC Chair
Tim Hill, Director's Designee, Ohio Department of Transportation (ODOT)
Mindy Bankey, Director's Designee, Ohio Department of Natural Resources (ODNR)
Matt McClellan, Director's Designee, Ohio Development Services Agency (ODSA)
Gene Phillips, Director's Designee, Ohio Department of Health (ODH)
Dorothy Pelanda, Director, Ohio Department of Agriculture (ODA)
Bill Wolf, Commissioner
Jim Stouffer, Commissioner
Crystal Davis, Commissioner
Danielle Giannantonio, Commissioner
Diane Miller, Commissioner
Richard Hyland, Commissioner
Kate Bartter, Commissioner

Staff Present:

Joy Mulinex, OLEC
Lynn Garrity, OLEC
David Emerman, OEPA
Sandra Kosek-Sills, OLEC

(23 Observers)

Welcome and Agenda Overview: Laurie Stevenson, Director, OEPA

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

(roll call)

Welcome new commissioners:

Director Stevenson welcomed new commissioner Diane Miller to the Ohio Lake Erie Commission. Ms. Miller is the Chief of Staff/Associate Vice President for Government Relations at the University of Toledo.

Commissioner Bill Wolf moved the following resolution:

Resolved, that the Commission approves the meeting minutes for December 9, 2020. Jim Stouffer seconded the motion.

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

Mindy Bankey nominated Laurie Stevenson as Commission Chair through 2022:

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

Tim Hill nominated Mary Mertz as Commission Secretary through 2022:

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

Lynn Garrity provided information on the annual state fiscal year program. The plan was updated in 2020. The recommendations for use focus on the Area of Concern (AOC), Dredge Material Management (DMM), and Domestic Action Plan (DAP) initiatives. Commissioner Kate Bartter asked about DAP examples in urban watersheds. OLEC staff member Sandra Kosek-Sills responded with examples.

Commissioner Bill Wolf moved the following resolution:

Resolved that the Commission approves the Lake Erie Protection Fund (LEPF) recommendation for SFY21 for an amount not to exceed \$200,000. Mindy Bankey seconded the motion.

A roll-call vote was held, and Commission members voted all in favor. The motion carried.

Special Report: Lake Carriers Association, Tom Rayburn

Tom provided information on the Great Lakes Winter Commerce Act. [The bipartisan bill](#) would clearly define the United States Coast Guard's (USCG) responsibilities for icebreaking on the Great Lakes to meet the reasonable demands of commerce.

A 2018 economic impact study found that in the Great Lakes only, the shipping industry provides for: 33,168 jobs; 3.75 billion dollars in economic activity; 2.2 billion dollars in family supporting salaries; and 217 million dollars in local/state taxes. Ohio ranks 14th in the U.S. in overall maritime jobs. Annually, shipyards in Toledo, Cleveland, and Ashtabula contribute roughly 600 million dollars to the Ohio economy. This year, members of the Lake Carriers Association will be spending about 33 million dollars in winter maintenance and upgrades to vessels in Ohio.

Infrastructure necessary for commercial navigation in the Great Lakes includes: course lines (water highways), navigational markers, bridge clearances, appropriate channel dimensions, locks, icebreaking, and shipyards. Dredging to maintain channel (USACE) dimensions is the Achilles heel of the Great Lakes. The U.S. Army Corp of Engineers needs to remove 3.3 million cubic yards of sediment each year to keep the system operating. This cost annually about 50 million dollars. The capability to move these amounts is dependent on the responsible placement of the dredged material. Combined disposal facilities (CDF's) are nearing capacity or already closed. Ohio is piloting/implementing beneficial use programs at some ports, but Fairport, Lorain, and Conneaut Harbors are at critical stage without appropriate funding or

capacity. Using USACE numbers, reducing the available channel depth/width in those harbors would cost about 6.4 million dollars each year.

The Great Lakes Winter Commerce Act is a very simple piece of legislation that has been introduced in both the U.S. House and Senate. The act will codify an icebreaking performance standard to meet the reasonable demands of commerce and reauthorize a new Great Lakes heavy icebreaker.

Director Stevenson asked a question regarding Ohio ranking 14th among all state for maritime industry jobs. Has that ranking been consistent? Mr. Rayburn stated that Ohio's ranking continues to rise.

Mr. Stouffer asked if the industry is improving sustainably? Mr. Rayburn responded with Yes with continuing transformation to more technological changes.

Ms. Davis asked if Lake Carriers is investing in ballast water technology? Mr. Rayburn stated that demonstration projects and best management practices continue to handle ballast water. There are vessels that no longer bring water from sediment-filled levels. Studies have been conducted to address organisms in ballast water.

Mr. Hylant recognized that the ballast water technology research for invasive species was funded through the Great Lakes Protection Fund and was a success story leading to dramatic reduction in new invasive introductions.

Ms. Bartter asked what do you worry about. Mr. Rayburn stated that uniform regulations such as ballast water is regulated differently in each state. Dredge material removal can't keep up with needs. Under WRDA, funding should come back to the system. The Winter Commerce Act is recommended to be codified that is being introduced in congress this week with bipartisan and Great Lakes Governor support.

Ms. Bartter asked why is the Winter Commerce Act needed? Mr Rayburn state that it will reinforce responsibilities and ensure that the Great Lakes ice jams are important and have an impact on recreational rivers.

Commissioner Jim Stouffer moved the following resolution:

Resolved that the Lake Erie Commission supports the Great Lakes Winter Commerce Act. Tim Hill seconded the motion. A roll-call vote was held, and Commission members voted all in favor. The motion carried.

Ohio Lake Erie Commission Office Report:

Director Mulinex provided updates regarding the Commission's new website through an Innovate Ohio partnership and thanked OLEC staff for their coordination and expertise on assembling the website content. OLEC Staff held a retreat in January that included speakers on diversity/inclusion and commerce discussions with ODOT and Development Services Agency and LEC budget planning. The Commission continues to work with partners on H2Ohio.

Sandra provided an overview on the Lake Erie Quality Index (LEQI) that OLEC staff is assembling in partnership with State Agencies. The last LEQI was published in 2004. The LEQI provides a status and index on conditions related to both economic and environmental metrics. The LEQI uses indicators similar to the [GLWQA](#) rating system. More updates will be available in June on the work underway for the LEQI. A question pertaining to the index on water clarity was

asked. Sandra responded that deeper clarity is generally better; it is associated in Lake Erie with less algae (of all kinds) and less sediment in the water column. This promotes the growth of beneficial aquatic plants that support fish populations. It is true that we would not want to see extremely high water clarity in Lake Erie since it is naturally productive. But we are not yet at a level where great clarity would be a concern.

Lynn provided highlights for the AOC program pertaining to Beneficial Use Impairment removals in the Black River Area of Concern and a final management action list for the Maumee AOC. There are currently 25 projects underway in Ohio's AOC. The Otter Creek Great Lakes Legacy Act project was highlighted and its public webinar planned for later on this day.

Lynn provided an overview to the kick-off of this year's 29th Annual Life on Lake Erie Photo Contest. Rules and entry instructions are available on the OLEC website. All entries are due electronically on July 31, 2021.

Agency/Commissioner Reports:

Tim Hill for Director Jack Marchbanks, ODOT- Stanton Park project has begun in partnership with ODNR and USACE.

Mindy Bankey for Director Mary Mertz, ODNR- H2OH wetland projects continue to be a focus with approved funding to move forward

Gene Phillips for Director Stephanie McCloud, ODH- Ecoli sampling along Lake Erie beaches continue. The past five years of beach monitoring data is available on the ODH beach website.

Director Dorothy Pelanda, ODA- H2Ohio is ending its first year with 1,800 producers signed on for 1.1 million acres of cropland. In February, initial payouts began. ODA is receiving applications for re-enrollment for a 2nd year. 10% of P reduction is expected. The H2Ohio budget will allow continuing with the original 1,800 and expand to another eight counties. HB7 will appoint commissions.

Bill Wolf, Commissioner- 4R nutrient stewardship continues with more success with Farmers. More discussion is ongoing to address nutrient articles in regards to manure. Is there marketing to address misinformation?

Jim Stouffer, Commissioner- Water levels are expected to be more manageable down 6-9 inches from 2020. Lake Erie Shores & Islands is focusing on rebounding this year. Thanks to ODNR grants to get boaters on line. Fishing in 2021 should be exceptional. Thanks to Sea Grant and others that support fishing activities

Crystal Davis, Commissioner- Happy to see the increase to the H2Ohio budget. The Alliance for Great Lakes looks forward to the knowledge sharing among the states on the April webinar. Thanks to Director Mulinex for communication on H2Ohio.

Danielle Giannantonio, Commissioner- Congress is wrapping up COVID relief bill including infrastructure funding for water quality and broadband.

Diane Miller, Commissioner- Thank you to staff on the LEQI presentation and to Mr. Rayburn for the special report presentation.

Richard Hylant, Commissioner- Echoes the comments in regards to CAFOs. Read the December issue of National Geographic article on saving the Great Lakes.

Kate Bartter, Commissioner- The Great Lakes Protection Fund is well-poised for a great year and is looking for innovative projects.

Director Laurie Stevenson, OEPA- The agency is focused on infrastructure projects. OEPA has experienced a number of vacancies due to retirement. The Agency continues to look at core program areas.

Partner Reports:

Chris Winslow, Ohio Sea Grant- An RFP was issued for research on Great Lakes issues in partnership with ODNR, EPA, ODH, ODA and LEC. LEARN is a consortium of Ohio Universities related to wetland monitoring with coordination on H2Ohio activities. Attorney General Yost has established a Scientific Advisory Council of which Dr. Winslow is serving as co-chair.

Tim Brown, TMACOG – Thank you for the opportunity to join with you today, and for being able to work in collaboration with many of you. Our TMACOG members have coalesced around our 2021-2022 legislative priorities for Lake Erie and the watershed and we invite you to read our Agenda for Lake Erie at: <https://tmacog.org/water/agenda-for-lake-erie>
The watershed watch program with local schools is able to resume.

Public Comment (Comments were received electronically via the webinar's chat function):

Sandy Bihn: On the environmental condition assessment (LEQI) point sources are listed but nonpoint are not. Nonpoint sources have to be added to make the assessment credible for Lake Erie. (additional comments below)



Lake Erie Waterkeeper Inc.
3900 N. Summit TYC Bldg. 2
Toledo, Ohio 43611

Lake Erie has the Great Lakes Warmest, Shallowest, Fishiest Waters
lakeeriewaterkeeper.org 888-519-1142

March 10, 2021

To: Lake Erie Commission

From: Sandy Bihn, Lake Erie Waterkeeper

Thank you for this opportunity to address the Lake Erie Commission. These comments are from Sandy Bihn, Lake Erie Waterkeeper whose mission is for Lake Erie's waters to be fishable, swimmable and drinkable.

Since the 1950s the production of livestock and poultry in the U.S. has more than doubled, while the number of operations has decreased by 80%. As a result of this growth, factory farm livestock produced an estimated thirteen times as much waste as the entire U.S. population in 2012. (USEPA research)

Studies show that from 2005-2018 there has been over a 40% increase in the Maumee/Lake Erie watershed in the number of confined animal operations (permitted and unpermitted) and the amount of manure being land applied with over a 60% increase in phosphorus land applied. High phosphorus levels are detected in manure spread near the barns (within a mile or two) for both permitted and unpermitted facilities. Because Ohio and most states allow for more manure phosphorus to be applied – at both permitted and unpermitted facilities – than crops need.

It is clear that the 40% Lake Erie phosphorus reduction goal by 2025 as long as the over application of manure phosphorus is permitted in both permitted and unpermitted facilities. Research shows that about 90% of the source in the Maumee is from agriculture – commercial fertilizer and manure. Billions of dollars have been provided over the past fifteen years to agriculture in western Lake Erie to reduce the phosphorus runoff to the lake. But studies show that very little to none of the 40% reduction has been achieved.

This is a continuing request to consider the following:

1. There is currently a CAFO permit under consideration for the permit renewal for 2000 dairy cows and a request to add an additional 1,820 dairy cows in the Auglaize/Maumee/Lake Erie watershed. The permit will allow soil phosphorus of up to 150 ppm while H2O Ohio is paying \$60 an acre to haul liquid dairy cow manure to land with soil phosphorus of 50 ppm or less. It makes no sense to permit soil phosphorus at 150 ppm, when Ohio has set the standard for soil phosphorus at 50 ppm. This is a request for the Sugar Lane Dairy permit up for renewal expansion to be limited to soil phosphorus of 50 ppm. This is a request that the Lake Erie Commission request that the Sugar Lane dairy permit for 1,820 additional dairy cows be required to have a soil phosphorus limit of 50 ppm., the same as H2O Ohio.
2. There is a discussion in the CAFF board for consideration of the number of animals that should require a CAFO permit. Indiana permits mid and large CAFO's which could easily be required and would be a good starting point to know where the mid and large confined animal feeding operations are located, and to have permits. This is a request to the Lake Erie Commission to request that Ohio CAFO permitting levels be the same as Indiana, along with an increase in staff for the increased number of permits that would have to be administered.
3. The Environmental conditions report for Lake Erie must include nonpoint sources in addition to the already listed point sources.

Larry Fletcher, Lake Erie Shores & Islands: Ohio's outdoor recreation assets were critical components in drawing visitors and associated economic impact to the Shores & Islands region and all of Ohio in 2020 and that will be the same in 2021. Many thanks to Director Mertz, Chief Wecker, Chief Cobb, and all on the ODNR team for their hard work to keep our outdoor recreation amenities open and available to our guests!

Dorothy Pelanda moved to adjourn the meeting. Mindy Bankey seconded. A roll-call vote followed.

Meeting was adjourned at 11:50 a.m.

Signature of Chair: Laurie A. Stevenson

Date: July 6, 2021

Signature of Secretary: Mary Mertz

Date: June 29, 2021