

**OHIO LAKE ERIE COMMISSION MEETING**

**Columbus, Ohio**

December 12, 2018 – 10:00 a.m.

**Call to Order and Roll Call – Craig Butler, Director, Ohio EPA and Commission Chair**

The Ohio Lake Erie Commission (OLEC) meeting was called to order at 10:12 a.m.

***Commission Members Present:***

Craig Butler, Director, Ohio EPA, OLEC Chairman  
Jim Zehringer, Director, Ohio Department of Natural Resources (ODNR)  
Tim Derickson, Director, Ohio Department of Agriculture (ODA)  
Gene Phillips, Director's Designee, Ohio Department of Health (ODH)  
Lyn Tolan, Director's Designee, Ohio Development Services Agency (ODSA)  
Tim Hill, Director's Designee, Ohio Department of Transportation (ODOT)  
Harry Allen, Commissioner  
Amanda Bryant- Friedrich, Commissioner  
Kevin Cogan, Commissioner  
Jim Stouffer, Commissioner  
Bill Wolf, Commissioner

***Staff Present:***

Sandra Kosek-Sills, OLEC  
Lynn Garrity, OLEC  
Jessica Johnson, OLEC

(19 observers)

**Welcome and Agenda Overview: Craig Butler, Director, OEPA**

Director Butler called the meeting to order and welcomed everyone to Ohio EPA. He asked Jessica Johnson for a roll call.

(roll call)

**Chair Report:**

Butler asked if there were any corrections for last meeting's minutes. Director Zehringer had one correction. He wanted to make note under the ODNR agency report that the Lieutenant Governor only attended one of Ohio's two Fish Ohio days.

**Commissioner Allen moved the following resolution:**

**Resolved**, that the Commission approves the corrected meeting minutes from September 18, 2018.

Commissioner Cogan seconded the motion.

No discussion. The Commission members voted all in favor and the motion carried.

Butler said at the last meeting the commission had decided they had wanted to honor Karl Gebhardt, former executive director, for his service to the commission. He said that Karl was present today and that the commission would like to honor him with a resolution for his service to the lake. After reading the resolution, Butler asked Gebhardt to come up and accept it. Butler stated that he didn't know of anyone who was more dedicated to helping the lake.

Gebhardt said he truly appreciated the honor. He mentioned that he enjoyed working with all the great people who helped to get goals accomplished.

Director Zehringer added that ODNR also wanted to extend their thanks for all that Gebhardt had done for the state and for his agency. He said that Gebhardt had received ODNR's Cardinal Award, which is one of the highest environmental citizenry honors in the state.

Commissioner Allen wanted to mention that he first met Gebhardt in Panama City and asked him to come up and check out the Mentor lagoons. He said Gebhardt showed him more about the lagoons than he knew and was honored to work hand in hand with him on many projects and issues.

Commissioner Stouffer also added that as a part of the Lake Erie Foundation, he thanked Gebhardt for his work in setting the framework for understanding many of the issues facing the lake. He said he was excited for him and that he was always welcome on Catawba Island.

Chairman Butler then introduced Ohio EPA Division of Surface Water (DSW) Chief, Tiffani Kavalec and staff to give a special report on 9-element plans. He mentioned her shop has been collecting a lot of data on this topic. He said they are starting to see these plans at the HUC 12 level.

**Special Report – Tiffani Kavalec, Paul Gledhill, Josh Griffin and Rick Wilson, OEPA  
“Western Lake Erie Basin Far-Field Phosphorus Allocation Project”**  
(presentation on file)

Kavalec reiterated Butler's statement that most of this data is collected through the Division of Surface Water where the numbers are then crunched. She said the Ohio Domestic Action Plan has been the vehicle to get a lot of these projects done.

She explained the difference between near and far field. She said that near field is where you look at the biology of the stream. Far field directly affects Lake Erie or the hypoxia.

She then introduced Paul Gledhill with DSW modeling group to discuss more on Lake Erie impairment. Gledhill explained that the impairment listing came out in the spring and

that they primarily used satellite data for listing. He provided the links for the report on impairment.

He then mentioned the target loads and how they are able to pinpoint nutrient types. Reports can be found in the Nutrient Mass Balance Study. The river is contributing to the load.

He mentioned using Heidelberg stations, which there are now 29, they can calculate daily loads. This allows for them to track the changes in the watershed. Gledhill stated that USEPA funded a project with TetraTech that developed a methodology to distribute Annex 4 targets at the HUC-8 level. He was able to show the HUC-8 tributary loading targets for the Maumee Basin. OEPA is working on a new project that allocates phosphorus loads to all sources in 186 HUC 12s with the Maumee Basin. Those existing sources for loads, Gledhill said are determined by their Nutrient Mass Balance methods.

Gledhill then introduced Josh Griffin also with OEPA DSW. Griffin further described the far field HUC 12 nutrient allocations as they paint the picture of the loads in the basin. These loads allow them to determine the amount of reductions and where they need to come from. He mentioned an example of a 3 HUC 12s at Platter, Wolf Creeks and Ottawa River. Plugging those areas into their methodology they can determine the needs for nutrient reductions and define what the community will need to do.

Chairman Butler asked about what was the size of a HUC 12? Griffin said they are usually about 30 square miles that that it was merely a base hydrological unit defined by USGS. Griffin then showed a slide of the HUC 12s that were in the Maumee Basin. Butler asked how many that included to which Griffin responded 186.

Griffin then turned it over to Rick Wilson of OEPA DSW to conclude the presentation. Wilson said he would be discussing Ohio's 9-element nonpoint source implementation plans. These have been promoted the last 2-3 years by USEPA since their guidance changed. USEPA has now taken the approach of what is impaired - what needs to be done - what can be done. This planning allows for more funding opportunities.

Wilson provided a slide with what goes into a 9 element plan from finding the causes or sources of pollution to figuring out improvements, identifying targets, implementation and finally monitoring progress. OEPA staff have developed a template that walks through the process step by step and can be found at OEPA's website.

Since 2017 Ohio has had 62 approved plans, including in the Western Lake Erie Basin. Wilson believes this is a tool that Ohio can rely on to implement nonpoint source strategies in the basin.

Director Zehringer asked who do groups work through to start these up? Wilson replied that once a plan is developed it is sent to OEPA. He said then groups with work with Greg Nagette with ODA, Lynn Garrity with OLEC and himself to submit to USEPA. All approved plans are on OEPA's website. Kavalec clarified Zehringer question by answering that these plans usually come together through Soil and Water Conservation Districts, cities, and counties to write plans.

Commissioner Stouffer asked if there were any plans to move to a TMDL like the Chesapeake Bay? Bill Fischbein with OEPA Legal responded that the state was not currently looking at a TMDL but that these plans were similar to how a TMDL might address nonpoint source. Stouffer followed up with asking if there was funding out there for these plans and if they were the most comprehensive? Fischbein answered that yes the funding comes from 319 grants and they believe these plans do address the issue.

Commissioner Cogan asked how does OEPA and the state get participation? Kavalec answered and said that they don't have a lot of Western Lake Erie Basin plans but that the money is there from USEPA. She said that to get the idea out there to build plans they need to do outreach at the local level. Chairman Butler also responded and mentioned it can be a challenge to get all the players in one room but that he wants to continue to push because the basin is where most of the nutrients come from.

Commissioner Wolf asked if it was necessary to have the plan before receiving funding. Butler responded and said yes it was mandatory to receive 319 funding. Wilson said that he hopes to see the soil and water districts like in Fulton and Hardin counties that others will follow because the funding is no-match.

Commissioner Allen asked how many generators are they thinking? Wilson said it depended on the area on who would be at the table. Kavalec clarified it depends on the HUC 12. Butler said they had a long way to go with the Western Lake Erie Basin to get a return on their investment.

Commissioner Cogan asked if giving regulatory authority to the state, would they see a great and faster success? He also added that their does seem to be efforts in the legislators like Senator Gardner and that the Commission needs to make more of an effort to know about these plans.

Commissioner Stouffer asked if there was any issue in using federal funding? Kavalec said that the federal government only gives money for implementation not planning. Butler said however that planning isn't very expensive they just have to secure the money to do it.

Commissioner Allen asked if this came back to who are the generators and can they help? Butler said they would need to get them to the table to discuss planning. Kavalec said that a lot of farmers they have met with want to help. Commissioner Bryant-Friedrich said that she believes education is key to this issue. She said they need to get out and help them understand they are generators.

Butler said that the commissioner was right about education. He said he would like to bring together the soil and water conservation districts to educate them on 9 element plans and encourage them to help with outreach. He said he hopes through education and outreach that these ideas move forward.

Commissioner Bryant-Friedrich also asked if there was enough trust built up. Butler responded that they have credible data that supports their reasoning and once they have completed outreach they believe farmers will agree with them.

Commissioner Wolf asked how does this effect the milestones that have been set. Wilson replied that milestones are the end goals but that they are always measuring progress. Kavalec also responded and said the data that if the data Gledhill and Griffin have worked on does not show them moving the needle then they will adapt. The whole concept of this approach is adaptive management. Kavalec mentioned that they are almost at capacity with NRCS and 319 funding and are needing more man power.

Director Derickson said there had been discussions with the soil and water conservation districts that they take the lead on these projects and that that helps with more man power. He also mentioned that he hoped to see better coordination with the OSU extension offices. He wanted to reiterate that the key was funding and that Senator Gardner and Representative Arndt have really helped with the creation of SB 299.

Butler commented that there was a NRCS coordination meeting scheduled they had to push back but that he had seen NRCS had posted a position for Lake Erie. Derickson finished by saying that the soil and water conservation districts are a trusted group. He said they are the boots on the ground and are also producers as well.

Director Butler moved on to the Office Report but before excused Tim Hill with ODOT as he had to leave early. Hill said ODOT did not have an agency report.

### **Ohio Lake Erie Commission Office Report – Lynn Garrity/ Sandra Kosek-Sills**

Lynn Garrity said she would be giving an AOC report and would be filling in for David Emerman to give a Dredge Report. Garrity said that she had been managing the AOC program since September and was assessing it. There was an update in the briefing booklets, but Garrity said she would be getting the commission a more thorough list at the next meeting. She said the program has 4 management actions, one the Cuyahoga that will be sent to Director Butler. She also mentioned that next year's AOC conference would be held in Ohio. She said the are looking at September 11-12 for the dates to host.

For the Dredge Update, Garrity said that there was the first Ohio Dredge Summit held in October. She said that 167 people attended. Director Butler added they were well fed at the conference.

Garrity said the prep work for the CDF was completed and ready for use for the dredge grant winners. She shared a few photos of the progression. She said if commissioners had any questions to contact David.

Garrity also reported on Great Lakes Restoration Initiative. She said they are working on more coordination. So far Phase II of the action plan was receiving funding and that they were moving on to Phase III in 2020. She mentioned GLRI's focus areas: areas of concern & toxic substances, invasive species (like the work OEPA is doing in Mentor Marsh), nonpoint source pollution impacts on nearshore health and habitat & species (like the work ODNR's coastal office's projects).

She mentioned there was going to be an event on the Lake Guardian and would let staff know when that was.

Sandra Kosek-Sills took over to discuss the GLRI grant funding OLEC got for Domestic Action Plan implementation. The grant was for \$2.4 million. The grant has two components. First was an Ag piece for the purchase of farm equipment and 4R certifications. The second was for implementation projects. There were 4 projects ready and 2-3 would be selected later for additional funding.

Kosek-Sills then moved to discuss LAMP progress. The agency review process was now completed. The edits are now being reviewed by the Lake Erie Partnership. She said they had received some public comments but that was still open. They are pushing to have it out in June 2019.

Director Butler then asked each commissioner and agency member if they would like to give a report.

**Agency/ Commissioner Reports:**

**Tim Hill, ODOT** – Had to leave early, no report.

**Director Jim Zehringer, ODNR** – He mentioned this would be his last meeting. He mentioned SB 51 is moving forward. It would help with shoreline improvements.

He just attended 3 Great Lakes meetings within the last week and said from conversations at these meetings that there is no other great resource like the Great Lakes. These meetings have all focused on water quality.

He said he wishes his best to the commission and commissioners. The presentation today has gotten him excited about 9 element plans and what they will bring for the future. Finally he wanted to thank Director Butler and Karl Gebhardt for their service. He said Mary Mertz will be the next ODNR director.

**Director Butler, Ohio EPA** – He thanked Director Zehringer for his time. He also thanked DSW staff for their presentation.

After 20 years of litigation, the state reached a settlement with the Osborne family regarding Mentor Marsh. OEPA hosted a public meeting last night to go through their plan to clean up the Phragmites (giant reed) infestation. There will be \$10.6 million to help with cleanup and that overall the citizens seemed pleased with the plan.

**Lyn Tolan, ODSA** – Tourism was wrapping up their yearly metrics and were happy with their preliminary numbers. She shared what those numbers looked like in economic impact. She said they grew from \$43 to \$44 billion in economic impact to the state. She said Ohio grew in visits which was 219 million, overnight visits up by 3 percent which is above the national. She mentioned they had 7.5 million views on their ohio.org page after their new launch. Finally she said their numbers on social media specifically Facebook and Instagram increased. She said they are continuing to target neighboring states.

Commissioner Cogan asked if the economic could be broken down by region or county, specifically what of that money was seen on the lake?

Tolan replied that they do break those numbers down by region. She did not have them yet but would be happy to share once she received them.

**Gene Phillips, ODH** – ODH had just sent USEPA their beach monitoring report and was waiting on comments back from that.

**Director Derickson, ODA** – He thought today's conversation was very good and that these conversations need to continue because Lake Erie is a real asset.

**Commissioner Allen** – Central Basin's LEED Co. off shore wind project is underway and will hopefully bring a dead zone back to life.

He asked that maybe at the next meeting to have representatives from the generators or producers in the basin to come and hear their thoughts.

**Commissioner Stouffer** – He thanked OEPA for their 9 element plan presentation and ODA for being engaged. He also wanted to thank ODNR and said the Catawba Island ramp looked great.

He said the Lake Erie Foundation would be hosting a state of the Lake at the Lake Erie Boat Show on January 17.

**Commissioner Wolf** – no report.

**Commissioner Bryant – Friedrich** – University of Toledo was working on their strategic plan and would be publishing it soon. She mentioned one of the components is engagement which she thought would tie in getting the university more engaged about Lake Erie and its resources.

**Commissioner Cogan** – He hopes there is progress in figuring out how to get more cooperation and participation with 9 element plans.

**Public Comment:**

**Keith Banchowski – USGS** – They will work with OEPA on nutrient loading specifically in the Maumee.

**Chris Winslow – OSU SeaGrant** - They just had a meeting with state agencies on their non-HAB related research needs. They just put out their RFP for those needs and projects.

There have been two articles published of potential interest to the Commission. One was a follow up and revamp of the White Paper (originally provided as comments on the Ohio DAP) in the Great Lakes Journal. The second was discussing impairment designation methodology in the Harmful Algae magazine.

**Dave Spangler – Charter Boat Captains** – Thanked ODNR and said Catawba Island looked fantastic.

He wanted to discuss the bloom that started in June. They are continuing to see the same issues and that loading has not changed. Within the last few years them and other companies have lost 10-15 percent of business.

He likes to hear the conversations like today's 9 element plans but that the issues regarding watersheds in distress are discouraging. The committee that is reviewing those rules are only kicking the can. At least the captains are seeing more fish than they know what to do with.

Butler asked if there were any more comments. Winslow said he wanted to clarify something. He said the forecast of the bloom was 6 out of 8, but that the satellite tends to overestimate. Even though it wasn't as widely picked up it was still there.

Seeing no more comments, Chairman Butler asked for a motion of adjournment.

**Meeting was adjourned at 12:11 a.m.**

**Signature of Chair:**

  
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**Date:**

3/20/19  
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