

**OHIO LAKE ERIE COMMISSION MEETING**

**Columbus, Ohio**

December 13, 2017 – 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 10:05am

***Commission Members Present:***

Craig Butler, Director, Ohio Environmental Protection Agency (OEPA)  
Lance Himes, Director, Ohio Department of Health (ODH)  
Andy Ware, Director's Designee, Ohio Department of Natural Resources (ODNR)  
John Schlichter, Director's Designee, Ohio Department of Agriculture (ODA)  
Lyn Tolan, Director's Designee, Ohio Development Services Agency (ODSA)  
Harry Allen, Great Lakes Power Group, Chairman  
Kevin Cogan, Ohio Bureau of Worker's Compensation, Chief Legal Counsel  
Richard Hylant, Hylant Insurance, President Field Operations and Innovation

***Staff Present:***

Karl Gebhardt, Ohio EPA/OLEC  
Sandra Kosek-Sills, OLEC  
David Emerman Ohio EPA/OLEC  
Amy Jo Klei, Ohio EPA  
Jessica Johnson Ohio EPA  
Scudder Mackey, ODNR

(15 observers)

**Welcome and Agenda Overview: Craig Butler, Director, Ohio EPA**

Merry Christmas and Happy Hanukah to all.

(roll call)

Chairman Butler introduced Richard Hylant, who currently serves as the Governor's representative on the Great Lakes Protection Fund. Butler said that thanks to some changes in Senate Bill 2, Ohio's Great Lakes Protection fund trustees now serve as ex-officio members on the commission. Chairman Butler asked Mr. Hylant to introduce himself and tell the commission a little more about himself.

Mr. Hylant said he is a life-long Ohioan, born and raised. He works at his family owned insurance business, headquartered in Toledo, OH. He enjoys being a part of the Great Lakes Protection Fund and thanks OLEC for the opportunity to sit on the commission too.

**Chair Report: business items**

**Director's Designee Schlichter moved the following resolution:**

**Resolved**, that the Commission approves the meeting minutes from September 29, 2017. Commissioner Cogan seconded the motion.

No discussion.

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

**Director's Designee Schlichter moved the following resolution:**

**Resolved**, that the Commission designate Ohio EPA Director as chairman and ODOT Director as secretary of the Commission for 2018. Commissioner Himes seconded the motion.

No discussion.

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

Chairman Butler introduced Amy Jo Klei of Ohio EPA and chair of the Lake Erie Protection Fund Committee to discuss this quarter's grants submissions.

#### **Lake Erie Protection Fund – Amy Jo Klei**

Klei stated that the LEPF Committee received 4 proposals this quarter that they recommended all receive funding. She introduced each project:

"A novel approach to identifying critical Kirtland's snake habitat on Lake Erie" Dr. Matt Cross with the Toledo Zoo, requesting \$15,000, agency partner on the project is ONDR- Division of Wildlife.

"Mentor Coastal Habitat – Living Shorelines Project" Abe Bruckman with the City of Mentor, requesting \$7,500, agency partner is ODNR.

Commissioner Allen spoke to the fact that ODNR has seen they have more debris than the capacity to get rid of and this concept would assist both them and the city.

"Nutrients and Flowering Rush Invasion of Coastal Wetlands" Helen Nichols, an associate professor out of BGSU is requesting \$27,250. The agency partner on this project is ODNR, Division of Wildlife.

"Time-Series Analysis of Lake Erie Phytoplankton Dynamics" Dr. Jim Hood with OSU, requesting \$50,000 and the agency partner is ODNR – Division of Wildlife.

Commissioner Toth asked who are the people that make up the LEPF committee. Klei replied that it was herself, Chris Winslow, Dr. Bob Frey of Ohio Department of Health, Greg Nageotte of Ohio Department of Agriculture, Ben Frank- Lopez with ODNR, and an agency member from Ohio Development Services Agency and Ohio Department of

Transportation. Summarizing that there was a member from each partnering agency and Dr. Winslow from OSU.

Commissioner Toth then expressed he felt that commission was going backwards with some of these proposed grants and that he didn't feel like OLEC was trying to tackle the biggest issue on Lake Erie that is the algae bloom.

Gebhardt responded that he knows how Toth feels but that each one of these proposed grants touched on a priority of the Lake Erie Protection and Restoration Plan.

Winslow also agreed with Gebhardt by stating that there is funding already pulled from the LEPF that goes specifically towards these bigger issues Toth was mentioning like dredge material projects, HABs, etc. He also stated that Ohio Sea Grant has shifted their focus to funding projects outside of HABs research because so much funding is already going toward that issue.

Chairman Butler acknowledged after hearing that the LEPF was pretty agency centric that he would like to invite the commissioners and other outside people to get in on the grant process sooner, even being a part of the vetting. He also asked that Winslow meet with commissioners and present on Ohio Sea Grant funding and some of the priorities being addressed with their projects. Butler said he could have Winslow present at the next meeting, as he wanted to see how much funding was coming from Ohio Department of Higher Education and see some their priorities for 2018.

Winslow suggested possibly doing a virtual meeting that allows the commissioners to meet from their office. The commission agreed that would be best. Winslow also added on the grants discussion that he felt many of the early, urgent needs of the grants projects included health priorities such as clean drinking water but since they have seemed to get a grip on some of those immediate issues, now turning their focus to those long-term goals which he felt Commissioner Toth was getting at.

Chairman Butler asked for a motion to approve the grants as one slate.

**Director's Designee Schlichter moved the following resolution:**

**Resolved**, that Lake Erie Protection Fund grant proposals discussed be funded.

**Commissioner Himes seconded**

Seeing no more discussion, Chairman Butler moved for a vote and the motion carried.

### **Closed Grant – Sandra Kosek-Sills**

“Evaluation of runoff from manure treated agricultural plots” Dr. W. Robert Midden, BGSU

Kosek-Sills shared a graph showing the preliminary results from the conclusion of this study. It showed the treated manure was slightly lower in the amount of phosphorus going into the soil compared to the raw manure and just slightly higher than that of the control,

which was no manure. They are currently looking at field testing through a separate grant. This project should be finished next year.

Commissioner Hylant asked if this study has commercial availability and if this treatment was the most cost effective? Kosek-Sills responded that yes, it does have commercial availability and at what they were looking at was the cheapest with the best result.

Commissioner Toth asked about looking at this from a biosolids standpoint from wastewater. Kosek-Sills said that yes, they were looking at that as part of another grant.

Chairman Butler made an announcement that he would have to leave early and that he would like to move forward with two points under the OLEC Office report. The first was he wanted to express his thanks to Karl Gebhardt and Sandra Kosek-Sills, for all their hard work on Ohio's Domestic Action Plan, he then wanted to move ahead to discuss dredge material.

### **Lake Erie Dredged Material Program Update - David Emerman (presentation on file)**

Emerman began but stating that today he wanted to discuss a project that is fulfilling the 3<sup>rd</sup> goal identified for uses of dredge material and that was meeting local needs. The project he was referring to is being conducted by two professors, one out of the University of Buffalo and the other out of Cornell University.

Grant funding of \$1.5 million for this project came from the Great Lakes Protection Fund. He thanked Commissioner Hylant for supporting this project as an alternative to open – lake disposal and creating wetlands. This was how they were meeting local needs by creating wetlands that have public access.

Emerman said many researchers have found in past projects with wetland creation that these projects have become a great point for public access when they weren't suppose to be. For example, Emerman mentioned that Dike wetland in Cleveland that originally it was not meant to have public access but then they worked it in because people were going there anyway. Examples like that led them to focus on meeting local needs on the front end by trying to create public access in these wetlands.

Research for this project will be taking place in Minnesota. There the scientists will be building replicas of the Lorain, Huron, Ashtabula and Fairport harbors.

Gebhardt asked when is the start date for the project. Emerman answered that funding would become available in January and go through mid-2020.

Hylant added that he was glad to be a part of the project committee to select this project. From what he saw the proposal was well organized and was received well by the committee. He also mentioned that it is good to show benefits of dredge material through these types of projects.

Scudder Mackey added the good thing about Great Lakes Protection Fund money is no match needed.

Commissioner Cogan asked looking at passive sediment management plans, did Emerman have any thoughts of long term consequences for stream flow? Emerman responded that part of project is identifying where these would fit or where they make sense, and that they take into account as many interests as possible like stream flow.

#### **AOC Projects List Update: Karl Gebhardt (attachment)**

Gebhardt said he would be continuing to provide a list of AOC projects to the commission and any updates to those projects at each meeting. Their focus is still on two main AOCs: Cuyahoga and Maumee. He mentioned there is a continued big push at federal level to get them delisted.

#### **LAMP Update – Sandra Kosek-Sills**

Kosek-Sills says the LAMP falls under Annex 2. The commission is the lead agency on Lake Erie partnership in writing the LAMP. It is on a 5-year rotating period for Lakes, Ontario is currently written and Lake Erie is next up. Kosek-Sills mentioned this will be the first LAMP under the 2012 Great Lakes Water Quality agreement.

Gebhardt said he would like to get public engagement on this. Kosek-Sills added that they are still in preliminary stages and will be working maybe with the commission to get it out to stakeholders.

#### **Agriculture Conservation Planning Framework – Sandra Kosek-Sills**

Kosek-Sills said that she, Gebhardt and other agency people would be listening to a presentation on the ACPF. The goal behind the ACPF was finding out which BMPs are better for certain areas. She mentioned this study was founded in Iowa.

She said there is talks with USDA to move the base tool to Maumee basin. It would track watershed to watershed and allow for local input. Ohio is in early discussion of this project and will be having researchers in to discuss with agency people soon.

Commissioner Toth asked if there had been any studies on runoff concentration? Winslow responded that there had been a lot of studies and that the results always seem to vary in different areas, vary in the practices of farmers, but tools like this are trying to get at that.

Gebhardt added that they are looking at HUC 12 watershed to see if we can see concentration. He said maybe this is something we can use LEPF funding to help start up.

#### **Other OLEC Office Updates– Karl Gebhardt**

Gebhardt mentioned how originally funding for the GLRI had been zeroed out of the budget but got put back in. He said that funding includes \$300 million across 8 states. He mentioned he had attended two meetings with USEPA to try to continue work on coordinating and attaining projects that focus on more than one priority.

Gebhardt mentioned that he just returned from the Great Lakes Executive Committee Meeting. He said for another year the focus on the US side seemed to be AOCs. He said two other issues highly discussed were chemicals of mutual concern and coastal resiliency. Chemicals of mutual concern was trying to connect with Canada on monitoring and coastal resiliency was looking how the US and Canada manages our coasts.

Gebhardt moved to discuss the Ohio Domestic Action Plan (DAP). He said that they had submitted the final draft to USEPA region 5 and are awaiting comments back. He said the focus of this draft has continued to be agricultural land management, community based nutrient reduction and the restoration of ecosystems.

Gebhardt announced next year's dates being March 14, second week in July, September 20 and December 12. He said like last year he wanted to make July's meeting coincide with Fish Ohio. Dave Spangler with the Lake Erie Charter Boat Association said they were looking at having Fish Ohio be in August this year. Gebhardt said like always these dates are subject to change. He also said like last year they were looking at starting the meetings in Toledo area for the first meeting and moving east across the lake again.

Before the next meeting, Gebhardt said he would be working with the Governor's Office on filling the vacancies on the Commission. He also said in the new year they would be finally addressing the OLEC Communications position. It will be a part-time position based out of the Sandusky Office.

Finally, he commented on the financial report in the Commissioners' packets. From the report, Gebhardt said that OLEC is still in a good position. He said that the license plate sales have continued to decline, something he is wanting to address hopefully with the new communications person.

### **Agency Reports:**

**John Schlichter, ODA** – had to leave the meeting early and was not present at time of agency reports.

**ODOT** – Not present.

**Andy Ware, ODNR** – Ware introduced Scudder Mackey with ODNR's Coastal Management Office and Dr. Tom Serenko with ODNR's Geology Office and mentioned they will be working on a project of updating the study on coastal erosion. Look for it in

early 2018. Ware also offered for Mackey and Serenko to come and present to the commission about their findings.

**Karl Gebhardt, Ohio EPA** - Gebhardt mentioned that Ohio EPA will be rolling out their Omnibus bill soon. One of the components in the Omnibus is they will be looking at a statewide nutrient level. Gebhardt also stated how Ohio EPA was excited to hopefully be putting up possible projects in another capital budget, specifically some dredge projects.

**Lyn Tolan, ODSA** – Tolan discussed Ohio Tourism and how the agency is in the planning process for advertising. They have found Ohio is starting to become a 4-season state, where travelers come to Ohio all year round. She also mentioned that ODSA has hired a new Tourism Chief, Matt Maclaren. Prior to coming to ODSA, Maclaren was President & CEO of the Ohio Hotel & Lodging Association.

She mentioned that Ohio Tourism's Co-op for advertising application process closes this Friday (Dec. 15). Finally, she mentioned they are heading into their busy planning process for the state's main advertising, so if anyone had any suggestions to please contact her.

**Director Himes, ODH** – Director Himes introduced Gene Phillips to give an update on the beach report. Phillips mentioned ODH was finalizing their data and would be submitting it to USEPA at the beginning of the new year. He also mentioned they were gearing up for the upcoming year.

### **Agency Partner Reports**

**Doug Deardorff, NRCS** – Deardorff wanted to let the commission know that the NRCS had received \$8 million to fund bmps in the Lake Erie Watershed.

Seeing no more Agency Partner comments Gebhardt moved to public comment.

### **Public Comment –**

#### **Matt Fisher – Lake Erie Foundation**

Fisher introduced himself to the Commission and asked that the Commission add 4 recommendations from the Lake Erie Scientists' *White Paper* to Ohio's Domestic Action Plan (DAP), a document that had been given as public comment for the DAP.

Fisher handed out a document (on file) that summarized the requests he was making. These recommendations included: timing/timeline for each recommendation to be implemented, availability for resources to expedite the adoption of these recommendations, reduce the 150 ppm rate and create a committee to redefine what environmental rate limit should be, finally support the Moonshot Project to transform manure, and entertain a special meeting with Lake Erie Foundation and Battelle to discuss the project further.

Gebhardt addressed Fisher's comments by stating that the White Paper and the DAP seem to be competing documents, when in reality the research stated in the White Paper is included in the DAP. He also added that this DAP is 1.0 and that it is meant to be a first version and can be added to but that he and staff went through comments and finalized what they felt needed to be included and had submitted that version to USEPA.

Fisher continued that he has tried to communicate with the right parties for these comments to be included in the DAP but that they have still not been added.

Gebhardt told Fisher he knows he has met with ODA and Gebhardt himself and would be happy to meet again but at this time he had nothing new to tell him from what he has told him before about those recommendations. Gebhardt added that the concepts behind these items were already in the DAP.

Fisher said he wants numbers added to the DAP including adoption rates. Gebhardt responded that those working on the DAP will continue to refine the specificity as part of the process.

Winslow chimed in stating that the White Paper was not intended to be a competing document to the DAP but was intended to add more information to the issues and assist in research in the adaptive management process the DAP has in it. It was submitted during the public comment period and was meant to serve as public comment.

Deardorff also spoke to Fisher and Gebhardt's comments, stating he was a technical specialist in nutrient planning. He wanted to clarify that there appears to be a misconception on the 40 ppm vs. 150 ppm. He said that 40 ppm is supposed to be max with 150 ppm being temporary for disposal if needed. He said he just wanted to clear up misconception.

Gebhardt thanked those who contributed to the DAP conversation but said they needed to move on with the meeting but finished that the DAP has an adaptive management approach and appreciates those willing to discuss it.

### **Dave Spangler and Paul Pacholski– Lake Erie Charter Boat Association**

Spangler said he would like to give a Lake Erie "state of the lake". He said like previous years it was a tough back end of the year from August to October due to the bloom. He said that from the captains he had talked to, they had seen a similar loss in business like 2015. That year some business were reporting between 20-30% losses. He said thanks to a tremendous amount of rainfall in late July and a hot August, the Lake became green as a direct effect. He said that this issue continues to be a big hit for the state of Ohio because people just don't want to come up to the Lake.

Spangler then introduced Pacholski to speak. He said that he agreed with everything Spangler had said but wanted to add that since his business on the Lake has taken

another hit he decided to start running a tour boat on the Maumee River. While on the river they found it was just as much a problem on the river as in the Lake. He said this year they started taking out news crews to show them just how bad a problem the lake is.

Spangler said he was wanting to hear from the ODA representative about what their department is doing to help the Lake. Spangler expressed he has spoken with people who enjoy the Lake but don't want to move up there with the fear they won't have a steady supply of water. He concluded that it was sad that agribusiness can get away with what they can.

Gebhardt thanked the Charter Boat captains for their comments and that he was sorry ODA's representative was not present to discuss their concerns. He then called on Dan Troy to comment.

### **Dan Troy – Lake County Commissioner**

Commissioner Troy just wanted to thank the commission for the grant to remove the debris from Mentor. He also wanted to let the commission know that at the last County Commissioner Association of Ohio Meeting Winslow was there to present on a bunch of items going on around the Lake. At the meeting he was also elected president of CCAO. He said he was excited to work to educate all 88 counties about the lake and show how we all need to work together to help our great lake. He closed with thanking those who are contributing to help it.

Gebhardt expressed his congratulations to Troy for his new position and asked if there was any more public comments. Seeing none, Gebhardt moved on to Commissioner comments.

### **Commissioner Member Comments**

**Commissioner Cogan** – Commissioner Cogan wanted to speak to the Charter Boat captains and say he felt their pain and understands their feelings regarding the Lake. He did want to say that as the Commission is working hard on many projects to tackle these issues but that the Commission doesn't legislate and that some of the solutions they are asking for needs to come from the statehouse. He also said that all of us feel strongly about some of the issues hurting Lake Erie that we need to educate our legislators on what is going on.

Seeing no more discussion, Gebhardt asked for a motion of adjournment.

**Gebhardt adjourned the meeting at 12:07pm**

**Signature of Chair:**

*JHM Lehman*

**Date:**

*5-30-2018*