

OHIO LAKE ERIE COMMISSION MEETING
Ohio EPA, Center for Excellence, Columbus, Ohio
March 25, 2015

Call to Order and Roll Call – Karl Gebhardt, Deputy Director, Water Resources, Ohio EPA

The Ohio Lake Erie Commission (OLEC) meeting was called to order at 10:07 a.m.

Commission Members Present:

Karl Gebhardt, Deputy Director, Water Resources, Ohio Environmental Protection Agency (OEPA)

James Zehringer, Director, Ohio Department of Natural Resources (ODNR)

John Schlichter, Director's Designee, Department of Agriculture (ODA)

Tim Hill, Director's Designee, Department of Transportation (ODOT)

Sadicka White, Director's Designee, Ohio Development Services Agency (ODSA) arrived at 10:27 a.m.

Gene Phillips, Director's Designee, Ohio Department of Health (ODH)

William Murdock, Mid-Ohio Regional Planning Commission

Harry Allen, Great Lakes Power Group arrived at 10:08 a.m.

J. Kevin Cogan, Jones Day

Paul Toth, Jr., Toledo-Lucas County Port Authority

Staff Present:

Gail Hesse, Executive Director, OLEC

Sandra Kosek-Sills, OLEC

Rian Sallee, OLEC

Heidi Rife, OLEC

Welcome and Agenda Overview: Karl Gebhardt, Deputy Director, Water Resources, Ohio EPA

Deputy Director Karl Gebhardt welcomed everyone to the meeting, provided a brief overview of the agenda, and then asked for a motion on the minutes from the December meeting.

Schlichter moved the following resolution:

Resolved, that the Commission approves the meeting minutes for December 17, 2014.

Phillips seconded the motion. No discussion was offered. The Commission members voted all in favor and the motion carried.

Lake Erie Protection Fund – Grants Committee Report

Gebhardt asked Amy Jo Klei, Grants Committee Chair, to present the recommendations for the Lake Erie Protection Fund grants program.

Klei explained that the Ohio Lake Erie Commission administers the Lake Erie Protection Fund (LEPF) grant program with revenue generated by the sales of the Lake Erie license plate and other donations. Following the funding framework adopted by the Commission, the 3rd quarter grant cycle was open to proposals of up to \$15,000 with no targeted topics. Projects must assist with implementation of the Lake Erie Protection and Restoration Plan (LEPR) and provide a direct benefit to Lake Erie and its tributary watersheds in Ohio.

The Commission received four applications for the 3rd quarter of the LEPF small grants cycle. The Grants Committee reviewed all applications and recommends the following grants for funding for a total of \$36,660 from the SFY15 small grants allocation:

- “Updating Lake County’s Stormwater Utility Fee Credit Program.”
Chagrin River Watershed Partners. \$6,770

This project will update the Lake County Stormwater Utility Fee Credit Manual for Non-Residential Users and research the potential implementation of a fee credit program for these users. Last updated in 2005, the need for a revised manual arose through increased membership in Lake County Stormwater Management District (Lake SMD) by communities faced with increasing stormwater management costs. The need to update the manual was also brought on by increased implementation of green infrastructure. A factsheet detailing the updated credit manual and program benefits will be distributed to Lake SMD communities and non-residential users. Benefits of manual development extend beyond Lake County, as numerous local governments seek options for funding solutions to aging infrastructure, imperviousness and flooding issues.

- “Fish Habitat Improvements in the Cuyahoga River Navigation Channel.”
Cuyahoga River Community Planning Organization. \$14,890

This project will establish a portfolio of land-based restoration sites within the Cuyahoga River Navigation Channel that will contribute to the enhancement and improvement of the fish habitat system in the most industrialized section of the river. A Site Restoration Work Book will be developed to identify, prioritize and establish a feasibility strategy for land-based parcels that will enhance habitat conditions for fish populations. The project will also combine the land-based sites with in-stream sites contributing to a comprehensive habitat restoration plan for the navigation channel. In-stream sites will be selected through an earlier phase of work currently underway.

- “Marsh Restoration Cost Reduction/Phragmites Power.”
Cleveland Museum of Natural History. \$15,000

This project will restore at least ten acres of habitat in Mentor Marsh, a 900+ acre wetland along Lake Erie dominated by the invasive plant phragmites. Phragmites will be removed or smashed and trees will be planted throughout the project area. Effectiveness of a variety of techniques to manage phragmites will be evaluated, including a comparative analysis of cost-reduction methods. This project will pursue a “power from restoration” method, whereby phragmites biomass is harvested for energy production. Plants and biota will be monitored post restoration. Restoration and management methods, results and experiences will be shared on a website, enabling replication at other wetlands.

The SFY15 budget for LEPF Small Grants is \$150,000. With approval of the above projects, the remaining balance for the LEPF for SFY15 is \$53,433. There is an additional \$50,000 allocated for the Balanced Growth Program in the LEPF for SFY15. Project recommendations for the Balanced Growth Program are scheduled for the June Commission meeting.

Murdoch moved the following resolution:

Resolved, that the following Lake Erie Protection Fund grant proposals be funded:

- “Updating Lake County’s Stormwater Utility Fee Credit Program.”
Chagrin River Watershed Partners. \$6,770

- “Fish Habitat Improvements in the Cuyahoga River Navigation Channel.”
Cuyahoga River Community Planning Organization. \$14,890
- “Marsh Restoration Cost Reduction/Phragmites Power.”
Cleveland Museum of Natural History. \$15,000

Allen seconded the motion.

Discussion and Questions:

Regarding the Lake County project, Paul Toth asked if the storm water guidelines are provided or does the county get to adopt their own? He stated that Lucas County has them and they are outdated and cumbersome. Kirby Date stated that each program designs their own to suit their needs and use others to adapt from. They are very locally based. Director Zehringer asked if this was something that OLEC normally funds. Kosek-Sills said yes, through the Balanced Growth program. Zehringer then asked what the money is going for. Klei stated that it goes for literature review. Sallee pointed out that it is also used for development of the updated manual. Gebhardt asked what the process is for the review. Klei said that a draft goes out to the agencies. Hesse added that the Chagrin River Watershed Partners are very unique and funded by many entities. Toth asked where money going into the funding is directed. Klei answered that it funds employee time, not contractors. Allen added that it sounded like it is an effort to bring communities together.

Regarding the fish habitat improvements project, Toth asked for an explanation on how successful habitat restoration is in a shipping channel. Klei responded that they are looking where it is feasible and makes sense. There are important habitats upriver that can provide rest stops for fish. An example is the Scranton Rd. Marina project. The challenge is working with urban areas and building off of existing projects.

Regarding the marsh restoration project, Gebhardt asked if the Phragmites have to be uprooted or cut down. Klei responded that there are many phragmites removal methods: burning, herbicides, aerial spraying, and a special machine to remove and disturb the biomass. Zehringer asked if they are in hard ground. Klei responded that they are mostly in a marsh area and there has been a machine identified to aid in removal. Hesse added that a sum of GLRI money is being used on a smaller scale. Cogan asked what sort of deliverable will come from this for a non-repeat. Klei answered that specific restoration techniques will be used on the project. Murdock asked if the revenue is going to be documented for energy. Gebhardt said they digester is from Quasar. White said that ODSA has provided funding to Quasar. Gebhardt mentioned that Quasar is a concern due to Ohio EPA violations for spreading sludge.

The Commission members voted all in favor and the motion carried. Klei then turned to Sallee, OLEC Grants Coordinator for a brief presentation on recently closed LEPPF projects.

Sallee presented an overview of the following three projects.

Lake Erie Coastal Wetland Vegetation Survey

- Coastal wetlands are diverse ecosystems that provide important water quality benefits and habitat for wildlife

- What did we do?
 - 20 sites at 15 wetlands were surveyed in 2014
 - Last studied between 2000-2004
 - Measured change in coastal wetland health over 10-14 year period
- What did we learn?
 - 2000-2004 average score: 56.5 (category 2)
 - 2014 average score: 41.9 (modified category 2)

Nearly 15 point reduction in average score in less than 15 years

- Considerations:
 - Lack of invasive management a contributor to lower score
 - Especially for invasive cattail species
 - Follow-up to aerial phragmites spraying is key
 - Strong need for on the ground, labor intensive invasive control
 - Targeted backpack spraying

Copper Concentrations at Lake Erie Marinas

- Copper-based antifouling paint is the most common hull paint used by recreational boaters
 - Copper-based antifouling paint banned in some marine environments
- What did we do?
 - Quantified accumulation of copper in sediment and water over one boating season
 - Samples taken at 9 marinas in 3 areas:
 - Boat bottom wash area
 - Permanent dockage
 - Channel
- What did we learn?
 - Significant copper concentration in sediment near wash area
 - Mean concentration in sediment was 25x USEPA Probable Effect Level (PEL)
 - Lake Erie bed load sediments 3.2x higher than PEL (USGS, 1997)
 - Marinas with a catchment basin had significantly less copper concentrated in the sediment than those with no catchment
- Future research needs:
 - Identify impacts and bioavailability of copper oxide in a freshwater environment
 - Explore the effectiveness of alternatives to copper-based antifouling paints
 - *Ex. Wash pads, alternative paints*

Analysis of Water Conservation Measures by Industry Sector

- Great Lakes Compact requires the State of Ohio to:
 - develop and implement a water conservation and efficiency program and
 - promote environmentally sound and economically feasible water conservation measures

- What did we do?
 - Gather, organize, and catalogue information on existing best technologies for water conservation by sector
 - Examined companies with > 100,000 gallons a day withdraw capacity + actual annual withdrawal amounts

- List of industries:
 - 1) Power Plants
 - 2) Iron and Steel Industry
 - 3) Chemical Industry
 - 4) Petroleum Refining Industry
 - 5) Food Processing
 - 6) Mining
 - 7) Hydraulic Fracturing
 - 8) Agriculture
 - 9) Golf Courses, Amusement Parks, and Other Recreation Facilities

- Deliverables:
 - Water efficiency toolkit for industries
 - self-assessment checklist
 - steps for a successful water efficiency program
 - technical and financial feasibility frameworks for BMPs
 - water auditing tools and methodologies
 - Overall BMP list + Industry specific BMPs for various sectors
 - Outreach- presentations & academic articles
 - Educational module for CSU classes

Following the presentation on closed projects there was a lively discussion on how to optimize the dissemination of project results from LEPF funded projects. Commission members offered suggestions related to dissemination of final reports and ensuring commitments from grantees about outreach efforts to key stakeholders relevant to their projects. There was discussion about the great value of Lake Erie Protection Fund projects and the need to ensure that project results not go underutilized.

Gebhardt then turned to Hesse for the next item on the agenda for the requested action on the endorsement for the Swan Creek Watershed Balanced Growth Plan. Hesse presented a brief overview of the two components of the Ohio Balanced Growth Program and a summary of the background for the request for endorsement from the Swan Creek Planning Partnership.

Balanced Growth

Linking Land Use and Water Resources

- Planning Framework
 - Planning Process
 - Projects
- Best Local Land Use Practices

- Practices List
- Resources

2013 Swan Creek Watershed Balanced Growth Plan

- Originally endorsed in September 2009
- Updated 2013: maps were revised to identify a streamside corridor per local regulations

Toth moved the following resolution:

Resolved, that the Commission hereby endorses the 2013 Swan Creek Watershed Balanced Growth Plan, continuing to make the communities who have passed resolutions in support of these plans eligible for the state incentives package for Balanced Growth. Allen seconded the motion. No discussion was offered. The Commission members voted all in favor and the motion carried.

ODA left the meeting at 11:15 a.m.

Gebhardt introduced Kirby Date, CSU and Cynthia Gerst, ODOT for information about the ODOT research program and a Balanced Growth-related transportation project. Date and Gerst provided an overview about a recently completed project funded through the ODOT research program.

The Value of Balanced Growth for Transportation

Research Objectives

Assist ODOT with understanding the relationship of land use, policy, and transportation outcomes

- 1) Literature Review
- 2) Technical Analysis: statistical, maps*
- 3) Policy Review
- 4) Recommendations

Transportation Benefits

TRANSPORTATION EFFECTIVENESS

- Reduced lane miles *

TRANSPORTATION EFFICIENCY

- Reduced VMT per capita*
- Reduced congestion/delay/travel times*

ECONOMIC/COMMUNITY TRANSPORTATION BENEFITS

- Increased safety*
- Reduced emissions/air pollution*

Conclusions and Recommendations

- Transportation benefits of compact, nodal development are documented in the literature
- This study's technical analysis demonstrates a relationship between land use patterns and transportation benefits*, but causality is unknown
- Policy analysis demonstrates benefits that result from policy approaches
- More work is needed to control for other external and complex factors

- Time is needed to allow policies to demonstrate effect
- * Technical evaluation in this study

Date continued with an overview of technical assistance provided as part of the Best Local Land Use Practices component of the Ohio Balanced Growth Program.

Ohio's Balanced Growth Best Local Land Use Practices

Letter from the Lafayette Township Zoning Commission (Medina County)

“The Lafayette Township Zoning Commission would like to express our appreciation for ... the Ohio Balanced Growth Program and the technical assistance you recently provided. Your thorough review of our Comprehensive Plan, our Zoning Code and the various Medina County regulations ... will help us continue to move forward in our planning.”

Water Resource Protection and Economic Benefit

- Support for comprehensive planning to incorporate Priority Areas and Best Practices
- Open space, woodland, natural area protection strategies
- Regulation review, draft language for conservation development, compact development and infill, stream and wetland setbacks, floodplain protection
- Development proposal review, comment, discussion
- Engagement with elected and appointed officials, developers, the public, technical staff

24 hours professional time:

- Information meetings/elected official discussion
- Review and comment on comprehensive plans, codes, regulations and development proposals
- Prepare draft RFPs
- Meeting facilitation
- Help plan and organize “next steps”
- Public education
- Referrals and technical information

Lower Black River Restoration Plan

- \$10 million in improvements/ mitigation leveraged across the restoration area

Eaton Township Stream Setback

- 25-foot setback adopted for both streams and ditches

Medina Township Comprehensive Plan Review

- New plan emphasizes open space protection
Note: Upper West Branch Rocky River Watershed Balanced Growth Plan participating community

Discussion: A discussion followed about the value of having resources and data available for communities related to these issues. Comments were made about the challenges of managing growth in communities, affordability of infrastructure, and how best practices can be incorporated in land use decisions.

Gebhardt asked Hesse to proceed with the next agenda item on development of the Lake Erie Protection Fund. Hesse mentioned that in addition to the revenue generated by the sales of the Lake Erie license plates the statute allows for private donations and contributions into the Fund. Hesse described efforts to facilitate individual donations including an online PayPal option. Online credit card donation was not pursued as staff learned that OBM will be changing how they charge the processing fees back to the state agencies. OLEC does not anticipate receiving donations at levels that would make the processing fees affordable. This could change over time if the Fund develops more history with individual donations. Hesse also described how the Fund currently has close to \$500,000 in reserve. These funds have been held in reserve with the expectation that at some point they will be used to offset the declining revenue from the license plate sales. All specialty license plates in Ohio are experiencing declines in sales due to the increased competition from the introduction of numerous plates and the many options from which Ohioans may choose. Hesse explained that in the proposed biennium budget for OLEC we are requesting spending authority for use of \$75,000 of the reserve. The intent is to leverage these funds with other external funds for one or more special topics to achieve a bigger impact from a larger project. Over the course of the next biennium, OLEC will seek opportunities with new partners for developing the Fund in new and different ways.

Gebhardt asked how the commission will know when the revenue level is adequate. Hesse stated that there are no benchmarks for this. More is better, always. Murdock commented that with PayPal it will be important to utilize a good social media strategy without being overbearing. Zehringer commented that the update is encouraging and ODNR is very interested in what becomes of it. Allen asked if \$75,000 is enough money to create an impactful project. Hesse responded that while \$75,000 is limited, staff believes we can achieve something meaningful at this level, particularly if we can leverage with other sources. In part, this is a trial to see if we can use the Fund to attract other funding partners. In addition to leveraging our own funds, there may be interest from external parties for OLEC to handle grants administration and outreach on special projects. Gebhardt asked if further information about a special project will be ready for the June meeting. Hesse responded that the proposed allocation for a special project is in the proposed biennium budget and if adopted, could be spent in either year of the upcoming biennium (pending approval of the budget by the General Assembly). Further dialogue will be needed with the Executive Committee, as well as a briefing paper before any resolution would come before the commission. White commented that we have to brand Lake Erie, market and promote it, protect it and treasure it. Allen suggested getting the Governor and Speaker Boehner to go kayaking on Lake Erie together.

Hesse continued with the office report and discussed the ongoing project of the Lake Erie Quality Index update and a proposed Water Monitoring Summary for the tributary monitoring stations in the Western Lake Erie basin.

Cogan left the meeting at 11:42 a.m.

Agency Reports:

Gene Phillips, ODH: Gearing up for beach monitoring and sampling activities. Thank you to Ohio EPA for the one million dollar household sewer replacement funding. There will be an RFP posted for it and scored soon. Funds will be issued. New sewage rules took effect January 2015.
James Zehringer, ODNR: Senate Bill 1 is being passed at the present moment. A Buckeye Lake Dam announcement is coming. Governor has a keen interest in Lake Erie.

Karl Gebhardt, OEPA: Received word that a suit was filed by Summit County for the TMDL and a process for the evaluation of the watershed is in progress. There are 1700 permits out and 90 TMDLS to be done yet.

John Schlichter, ODA: No report

Sadicka White, ODSA: Working with Lake Erie issues and ODSA involvement.

Tim Hill, ODOT: No report

Murdock left the meeting at 12:00 p.m.

Zehringer left the meeting at 12:09 p.m.

Agency Partner Reports:

Ohio Sea Grant College Program, Kristen DeVanna Fussell: Two million dollars given to OSU for research on algal blooms. There are five focus areas. OSU "Field to Faucet" has six projects outlined. Jeff Reutter is retiring March 1. Chris Winslow will be the interim director until the national search begins in the fall. OSU Cares grant was given to the Ohio Sea Grant program. Solar panel education for Stone Lab is in progress. Looking to add and modify courses at Stone Lab in 2017 for management needs.

Northeast Ohio Areawide Coordinating Agency: Not in attendance

Natural Resources Conservation Service, Michelle Lohstroh: Grant of seven million dollars for regular conservation partner program with a match from partnering entities. GLRI funding/practices for farmers is coming available to address nutrient management needs. SEEP program is taking a look at conservation practices nationwide and at the unique needs to the Western Lake Erie Basin.

Toledo Metropolitan Area Council of Governments, Matt Horvat: No report due to the Balanced Growth update in meeting.

PUBLIC COMMENT PERIOD

No Public Comment

Gebhardt adjourned the meeting at 12:24 p.m.

Powerpoint presentation slides used at this meeting are on file at the Ohio Lake Erie Commission Office.

NOTE: Next Lake Erie Commission Meeting: Wednesday, June 24, 2015 - 10:00 a.m. -Heidelberg University Campus Center, 44 Greenfield Street, Tiffin, Ohio.