

OHIO LAKE ERIE COMMISSION MEETING

Painesville, Ohio

September 29, 2017 – 1:05 p.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

Commission Members Present:

Craig Butler, Director, Ohio Environmental Protection Agency (OEPA)
James Zehringer, Director, Ohio Department of Natural Resources (ODNR)
John Schlichter, Director's Designee, 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)
Harry Allen, Great Lakes Power Group, Chairman
Kevin Cogan, Ohio Bureau of Worker's Compensation, Chief Legal Counsel
Paul Toth, President, Toledo-Lucas County Port Authority (via phone)

Staff Present:

Karl Gebhardt, Ohio EPA/OLEC
David Emerman, Ohio EPA/OLEC
Jessica Johnson, Ohio EPA
Andy Ware, ODNR

(13 observers)

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

(roll call) – Butler asked that each commission and audience member give a brief introduction of their name and organization they were with.

During this time, Lake County Commissioner Daniel Troy thanked the Commission for having the commission meeting in Painesville and allowing the township to show off its historic community park.

Chair Report: business items

Director's Designee Schlichter moved the following resolution:

Resolved, that the Commission approves the meeting minutes from July 10, 2017. Commissioner Cogan seconded the motion.

No discussion.

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

Life on Lake Erie Photo Contest: Chairman Butler gave a brief overview of the Life on Lake Erie Photo Contest and how this year marked its 25th anniversary. He then turned it over to Gebhardt to announce this year's contest winners.

Each photo winner was displayed on the projector and Gebhardt asked each photographer to stand to be recognized and where they found their inspiration. Judges Favorite Winner, Linda Fahrback was not able to attend the meeting. Photographer Rich McBride mentioned how his photo of a Conneaut, Ohio sunset was taken just before a fireworks celebration on the 4th of July. Photographer Lynn Jones said she had taken hers of the Lorain Lighthouse because she has always enjoyed the lighthouse. Dee Riley, photographer, mentioned she captured her scene in Ashtabula after she saw some driftwood along the beach.

Chairman Butler and Gebhardt then called each photographer present up to the front of the room to receive a proclamation from Governor Kasich and OLEC. Each photographer took their picture with Chairman Butler and Gebhardt and Butler thanked each photographer for their entry.

Painesville Township Park Update: Paul Palaygi

Chairman Butler introduced Lake County Metro Parks Executive Director, Paul Palaygi to give a brief overview of the Painesville Township Park.

Palaygi mentioned that the park was originally bought by Samuel Huntington, a future Governor of Ohio, in 1807 and owned the land for 100 years. It was donated by Huntington's family to the township to become a park in 1911. In 1926, the township built the community center/ dance hall that has since hosted dances, weddings and other community events. Palaygi shared a fun Cleveland Indians fact that Satchell Paige once played on the baseball fields out front.

In the early 1990's the township reached an agreement with the Lake County Metroparks to manage and operate the park. Currently the park is working on a new pier that extends out into Lake Erie, which Palaygi invited all commission attendees to go visit after the meeting. He mentioned that the pier will be open to the public starting Monday, Oct. 2 and will have a grand ribbon cutting on Oct. 17.

Chairman Butler asked if Palaygi could elaborate more on who designed the new pier? Palaygi said that John Manchard's firm designed the pier with a crib design. They placed 8 steel baskets/cribs in place holding the pier down to absorb the shock of the waves that sends that energy through without hurting the frame of the structure. Gebhardt asked how long Palaygi had been the Director of Lake County Metroparks and Palaygi responded 6 years.

AOC Projects List Update: Karl Gebhardt (handouts on file)

Gebhardt explained how an Area of Concern or AOC is designated based on having multiple environmental issues. Gebhardt mentioned that the Ashtabula River AOC is close to being delisted so that has changed the focus to the Cuyahoga and Maumee Rivers AOCs as priorities to get them to be delisted.

Gebhardt said that the goal moving forward in dealing with these 2 AOCs was to coordinate with agencies about the projects they have going on with these AOCs and to create a priority list of projects. Gebhardt declared that agencies need to do a better job of coordination since many of the projects they are working together on. Gebhardt had a handout for everyone to see the lists of projects in the Maumee and Cuyahoga Rivers that were either done, ready with funding or ready but needing funding. Gebhardt touched upon some of the bigger projects mentioned on the lists.

Lake Erie Commission Office Update

David Emerman – Dredge Material Program

Gebhardt introduced David Emerman to give an update on the Dredge Material Program. Emerman said that before the meeting a few of the commissioners had accompanied him on a tour of Mentor Marsh and Fairport Harbor. At Mentor Marsh they discussed some of the background on the marsh, current and planned efforts of restoring the marsh and updates to Ohio's litigation related to the marsh. At Fairport Harbor they discussed some of the state and county's development plans for the harbor.

Emerman discussed how the US Army Corps was in a feasibility stage with Fairport Harbor's project. Their plan is close to that of Ashtabula, in that they are looking to build a wetland south of the break wall to support bird and fish habitats. They also hope to create some public access. Since they are a step behind Ashtabula they are hoping to have some lessons learned from that project.

Dee Riley asked if Emerman could discuss a little more about the project in Ashtabula. Emerman said they had just finished the feasibility stage in Ashtabula and was moving forward with restoring a wetland toward the east end of the breaking wall.

Chairman Butler asked if Emerman could talk about the sediment profiling they are doing in the Cuyahoga and some of the trends he and his team are learning. Emerman answered that he is going through samples collected at each port and deciphering what materials are in the sediment and making a port by port map of sediment.

Gebhardt added that he recently attended the Great Lakes Commission meeting in Duluth, MN and said many of the members there were very impressed by Ohio's work in this field.

Commissioner Troy asked if Emerman had seen any evidence from old contaminants in the material from Fairport Harbor? Emerman said they are still going through much of

the data but from what he has seen in Fairport Harbor the material is fairly clean and mostly mixed with sand.

Palaygi asked if there were going to be public meetings regarding the Fairport Harbor project to answer questions about the project. He said that people in the area are sensitive about this subject of using dredge materials that have a history with contaminants.

Chairman Butler answered Palaygi's question but stating that all local harbors have these same types of local issues and that they will be using science to tell them what is in the dredge material and where it can be used. Emerman continued by mentioning that thanks to Senate Bill 2, the legislation gives Director Butler the ability to set the threshold to declare material no longer a waste.

Karl Gebhardt- Other OLEC Items

Gebhardt mentioned that the comment period for the Domestic Action Plan was over. Gebhardt and his team were currently reviewing all comments they had received and have passed on the comments to partnering agencies for their review as well. With these comments and comments to come, Gebhardt said he hopes to practice the DAP's goal of adaptive management.

Commissioner Cogan stated how he didn't see too many breakouts of algae this year but the Charter boat captains he talked with said they saw quite a few. He said the reasoning behind bringing this up was how is the commission and other groups truly going to measure the progress that has been made.

Gebhardt replied that thanks to a greater network of monitoring, they hope from that database it will tell more of progress and what things may need to change to combat HABs. He said monitoring, they can't only look at the load but also the concentration.

Chris Winslow also added that since the scale of this issue, the state and other partners have been really been making this issue a key priority. He mentioned that he was going to visit a site of a new project that has buttons in drainage tile that shows actual concentration coming out as runoff.

Gebhardt asked if any of the other partnering agencies wanted to give an update regarding their progress with the Domestic Action Plan. Gene Phillips mentioned how ODH was surveying local health districts for home sewage treatment systems. Rules regarding these systems are now in place and starting to be followed. John Schlichter mentioned how ODA is currently reviewing the comments submitted.

Gebhardt then gave a brief overview of OLEC's current finances. He mentioned that the in OLEC's 4C00 account was a little over \$1 million. He said OEPA Fiscal's team were working to finish a transfer from OLEC's 5D80 to 4C00 and that should bring the

balance of the 5D80 account to \$0, which typically only houses Great Lakes Protection Fund dollars. He said if there are any questions, feel free to ask him.

Gebhardt noted that Director Zehringer, Andy Ware and himself all attended the Great Lakes Commission meeting in Duluth this past week. He mentioned that John Stine, MN had been elected the new chair. He also mentioned about a resolution the Commission passed to support the needs of communities in their drinking water and wastewater infrastructure. Chairman Butler added that a study he just saw said that in Ohio by 2020 there will be \$25 billion in water infrastructure needing replaced.

Gebhardt said coming up on October 5th, SB 2 will be taking effect. He is hoping to start getting some names through to the Governor's Office to get vacant commissioner seats filled.

Finally, Gebhardt ended with mentioning about the Everglades Foundation, a group that him and Chairman Butler met with in August. The Everglades Foundation is a non-profit group whose focus is on combating HABs. They have a Barley Water prize that is awarded to a group with the best solution. Chairman Butler and Gebhardt have agreed to partner with this group at event in Chicago in October.

Agency Reports:

John Schlichter, ODA – Schlichter said ODA is currently working with NRCS on their Regional Conservation Partnership Program. He also stated that 18,000 applicators that been trained thus far. They are nearing the end of the process so they said they should see their numbers increase. They are currently working on adding content to the applicator forecast.

ODOT – Not present

Director Zehringer, ODNR – Director wanted to thank his Division of Wildlife for their efforts regarding Asian Carp and for the studies on grass carp. He also wanted to thank Palaygi and Commissioner Troy for hosting the meeting. He said being in Fairport Harbor made him excited for Steel Head Fishing.

Director Butler, OEPA– no report

Lyn Tolan, ODSA – Tolan mentioned that Ohio Tourism has ramped up their fall tv campaign. She said DSA has found that people are now looking at Ohio as a year round destination. They will soon be starting their Holidays in Ohio digital and print campaign. Tolan also discussed Tourism's Co-Op program they have going on now through December. In their Co-Op they will partner with local groups and pay for half the marketing to promote Ohio Tourism. Finally, she mentioned that Tourism is looking for an original music package for their Find It Here Campaign.

Gene Phillips, ODH – ODH's new modifications for their Beach Guard System were released at the end of July. It now allows for microcystin content, mobile access on your phone and the ability to sign up for notifications for your favorite beaches.

Commissioner Cogan – His only question was regarding the progress on Lake Erie, addressed earlier in the meeting.

Commissioner Allen –Allen's thoughts on the lake for the year so far was it had been a clean, healthy year but now the pressure is on to move forward with plans to keep it that way.

Commissioner Toth – Toth mentioned he was glad to hear about the projects and progress being made on the Lake.

Agency Partner Reports

Chris Winslow, Ohio Sea Grant – Winslow said he has been fielding a lot of calls about the Western Basin and his research team has continued to put their foot on the gas pedal on this issue. He said his view of the treatment of toxins is much better than it has ever been and he believes everyone working together has the capability to avoid another Toledo.

Their work with the Ohio Department of Higher Education and awarding grants to project proposals is in its final stages. He said they received 54 partial proposals and encouraged 21 to submit full proposals, which they will review in December, funding 10-12 of those proposals. He also said he is reaching out to folks about layering F18-19 projects.

Winslow mentioned they would be hosting a Sea Grant meeting with an expected 300-350 people attending including the Mayor of Toledo. At the meeting he said they would be having a demo farm speaker, discussion on bloom biology and a discussion on public health.

In regards to the Lake Erie Protection Fund, Winslow said they are reviewing a few project proposals for funding. They also have received a \$740,000 grant from NOAA to study HAB's on the lake. Finally, they have shut down the lab on the lake for the season. Winslow said they had 15 farm groups up over the season to see the bloom first hand and discuss what they can do to help.

Commissioner Troy, Lake County - He said he was glad to be here and was glad at the progress being made on the lake. The commissioner said he hopes that one day there can be more enforcement on some of these issues but thought OLEC was doing a good job. Palagy also added he was glad to be here and thanked the commission for coming up.

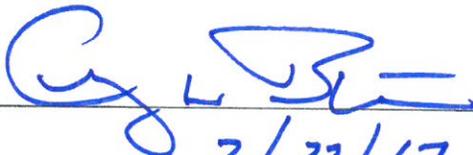
Public Comment

Keely Davidson-Bennett, Chagrin River Watershed Partners – Keely just wanted to introduce herself and the watershed partners. They are a non-profit watershed partnership working to preserve the Chagrin River. She said they have received OLEC funding in the past for some of their projects. She said they currently have 9 restoration projects with a goal in reducing nutrients.

Chairman Butler closed with stating there has been much debate around whether or not to declare the lake impaired. Butler said that he feels we have a long way to go but we have come so far and that the improvement of the lake has been a key priority of this administration. He mentioned to look for an Op-Ed in the Toledo Blade by him discussing this very same issue. Seeing no more comments, Chairman Butler asked for a motion of adjournment.

Director Butler adjourned the meeting at 2:47p.m.

Signature of Chair:



Date:

2/22/17
