

**Ohio Soil and Water Conservation Commission
November 17, 2015 – ODNR, Fountain Square
Columbus, OH
Final Approved Meeting Summary**

Call to Order (10:00 a.m.)

Pledge of Allegiance

Roll Call Commission Members Present

Chairman Tom Price	Bill Knapke
Vice-Chairman Fred Cash	Bill Tom
Etta Reed	Larry Vance

Ex-Officio Members Present

Kevin Elder	Kris Swartz
Russ Gibson	Mike Bailey
Scott Shearer	

Additional Attendees

Dorothy Farris (ODNR-DSWR); Liz Cline (ODNR-DSWR); Jeff Ankney (ODNR-DSWR); Clark Hutson (ODNR-DSWR); John Wilson (USDA NRCS); Nicole Hawk (Mercer SWCD); Tom Holmes (ODNR-DSWR); Janell Weiss (ODNR-DSWR); Lisa Syx (ODNR-DSWR); Steven Maurer (USDA/FSA); Emily Heppner (ODNR-DSWR); Matt Lane (ODNR-DSWR); Martin Joyce (ODNR-DSWR); Kirk Hines (ODNR-DSWR); Kathleen McDaniel (ODNR-DSWR)

Welcome to ODNR – Michael Bailey, Chief, Division of Soil & Water Resources

Chief Bailey welcomed everyone to the last meeting of the OSWCC to be held at the Ohio Department of Natural Resources. The next meeting would be held on the campus of the Ohio Department of Agriculture.

Agenda and Minutes

Chairman Price called the meeting to order and asked if there were any additions or changes to the day's meeting agenda as presented.

Action: Larry Vance moved to accept the November 17, 2015 agenda as presented. Bill Knapke seconded. Motion carried unanimously.

Chairman Price then asked if there were any additions or corrections to the July 9, 2015, draft minutes, as presented.

Action: Fred Cash moved to accept the July 9, 2015, meeting minutes as presented. Etta Reed seconded. Motion carried unanimously.

Commission Member Reports

Larry Vance: Attended an excellent meeting of the board of directors meeting last week. He noted the loss of Clete Vetter, a supervisor in the Defiance District. Clete was one of the barnstormers for drainage maintenance in the State of Ohio with one of the very first projects done with an environmental design back in 1971 or 1972.

Bill Knapke: The City of Des Moines is suing a water district over high nitrate levels in the spring. The Iowa districts are not set up on a county basis and are run by volunteers. Interesting to see how this plays out.

Bill Tom – nothing to report

Etta Reed - nothing to report

Fred Cash – nothing to report

Tom Price – nothing to report

Recognition of guests and comments

There was no recognition of any guests and no public comments provided.

OSWCC Member Appointments and Newly Hired DSWR Staff

Mike Bailey announced that Fred Cash was reappointed by the Governor to a three year term on the Commission.

Janell Weiss was hired by the Division of Soil and Water Resources as a Nutrient Management Specialist. She came from the Darke SWCD and will be based out of the Shelby SWCD Office.

Matt Lane has been promoted to Agricultural Pollution Abatement Manager and Soils Inventory Manager. This position was previously held by Kirk Hines.

There is still one vacant seat on the Commission. Currently, six of the seven seats are filled and the vacant seat will be addressed by the ODA after the first of the year.

OSWCC Appointments

There is a request from Pike SWCD to appoint Jack Harbert to fulfill the unexpired term vacated by Jeff Davis. This term ends in 2017.

Action: Etta Reed moved to approve the appointment. Seconded by Larry Vance. Motion carried unanimously.

Approval of Joint Boards

No joint board requests

Approval for Dissolution of Joint Board

The dissolution of the Darke/Auglaize Wabash Joint Board is brought before the commission because the board no longer serves a useful purpose. Nicole Hawk of the Mercer SWCD explained the joint board was original formed to apply for and receive grant funds. As a result, the Grand Lake/Wabash Watershed Alliance accomplished many of their goals including the creation of the Livestock Inventory and the Watershed Action Plan. Dissolution of this board will allow the three SWCD's to move forward and continue to work together to improve the soil and water resources in the common watershed areas. A new watershed technician will be hired by the Mercer SWCD to continue to update Watershed Action Plan. The Technician's area of responsibility will be expanded to include WLEB, a portion of Auglaize and Darke counties. Activities going forward will be guided by memorandum of understandings between the three boards. Also update Livestock inventory for all three counties. Fred Cash asked if Nicole felt that they have achieved their objectives. Nicole responded that by the creation of the Watershed Action plan achieved that objective. Consideration should be given to the implementation of a more formal process for dissolution of joint boards in the future.

Action: Fred Cash moved to approve the dissolution of the Darke/Auglaize Wabash Board. Larry Vance seconded. Motion carried unanimously.

Franklin SWCD Fiscal Management Letter

When the Match policy was created, there was a provision for those counties unable to meet the deposit requirements. To that end, an exemption would be made, generally for only one time. Franklin County resolved their problem and developed a system that allows them to make transfers to their Special Fund within the required 30 day period to receive state match funds. No formal action required by the board.

Conservation Assistance Grant Sustainability Reports

Part of the requirement for the districts to receive this grant is the creation of a sustainability plan. The program specialists and Dorothy Farris reviewed these plans in July and approved payments made in the second quarter. No questions on the process.

OSWCC NPS EDUCATION GRANTS FY2016

In July, approval for \$20,000 was given to for education grants to continue to help soils. Emily Heppner coordinated efforts with the counties to get the information distributed. There were more applicants than money. Twenty two districts received funding.

Legislative Updates

SB1 prohibits the application of manure to snow covered, frozen or saturated ground in the WLEB. Together, ODNR and ODA have been working on rules and ODNR currently has authorization regarding manure application and ODA for fertilizer application. As it stands now, ODA will file both rules. There will be a rule hearing on December 17, 2015 as required by JCARR. ODA will have rules in place this winter for both manure and fertilizer. Also, the budget bill passed this June, sets aside \$350,000 each fiscal year for DSWR to provide assistance to SWCDs in WLEB working with producers on the implementation of SB1. The Grant period is now open and we are trying to have the money distributed before the end of the year. There will be a general assistance grant for education and outreach to those SWCD's with 30% of their area in WLEB. Each district could get up to \$8,000. Also trying to fund multi- county positions where the districts join together and request \$60,000 for salary to hire new joint district employees to handle manure complains and outreach programs.

HB64 - The passage of HB64 facilitates the transfer of ODNR positions to ODA and OEPA. This will be the last commission held at ODNR and future meetings will be facilitated by ODA. December 27, 2015, is the official start date for twenty seven (27) positions for ODA (some are vacant) and three (3) to OEPA. Five of our employees are moving to ODA this week and will still be ODNR employees, but starting transition now. There was a question about the enforceability of the Chief's order concerning GLSM. This order will go to ODA as enforceable. Russ Gibson asked if the rules regarding winter application of manure have been moved to ODA and whether there will be a public comment period. Mike Bailey responded that the rules will go to ODA and ODNR and ODA had CSI to receive and respond to comments. There will be another public comment on December 17, 2015, as required by JCARR for comments on manure rules and then will be finalized. The target date for rule implementation is January 18, 2016.

Richland SWCD Election Irregularity – Dorothy Farris and Clark Hutson

The issue was brought before the board asking them to nullify the recent election in Richland County because of a voting irregularity. The candidate submission form dated October 20, 2015, listed one candidate as “Robert Scherer” when the correct name was “Robin Scherer.” Robert Scherer was elected to one of the two vacant seats in Richland County. It was also noted the board did not make the 45 day notice requirement. There were no candidate biographies or pictures at the voting site which may have brought the error to light before the election. Clark helped to count the votes and noticed irregularities in the other candidate names. Kris Swartz suggested in the future there should be a candidate certification form as part of the process to verify candidate information. Clark Hutson has been reviewing state law and suggested a statement of candidacy. Larry Vance brought up concerns about personalities issues in the county. He has listened to numerous complaints regarding the elected officials in the Richland SWCD. Clark indicated that things seem to be improving with new personnel. Clark Hutson will attend the board meeting that evening to insure that the process is correctly followed.

Action: Motion to invalidate the 2015 Richland SWCD election by Larry Vance, seconded Bill Knapke. Unanimously approved.

Match Policy – APW Standards Approval – Dorothy Farris

One of the statements in the match policy is the renewed requirement to have an annual plan of work submitted (Form 11), an issue not covered at the July commission meeting. A set of standards is being developed and will be brought before the commission to allow districts to move forward. Possible solution is to provide template for the districts to use. However, a survey showed that this was not received well by the Districts. In addition to setting the standards against which the APW would be judged, a template was developed for those who wanted it. Guidance was also provided to set up APW in SWIMS.

SWCD Mission and Vision Statements are optional. If they didn’t have one they might struggle with getting one done. Tom Price stated that they should have a specific mission and vision statement for guidance. Bill Tom agreed that they should drop the optional and make it a requirement. Kevin Elder suggested to make it optional this year and mandatory next year. For 2016 it would be desirable instead of optional Motion to accept standards as presented. Optional Mission and Vision Statements can be in the form of an amendment.

Action: Bill Tom moved to accepted, Etta Reed seconded. Motion unanimously approved.

Pollution Abatement Update – Matt Lane

Currently working with SWCDs to enforce Ohio agricultural pollution abatement laws. During the past three years, complaints statewide show a slight increase. We must remember too, that not all complaints are valid. There is also an increase in violations with special areas of concerns being WLEB and GLSM. Ten percent (10%) of complaints and violations are attributed to GLSM. The year to date for 2016 shows an increase in violations and complaints statewide. We are anticipating an increase in complaints with the passage of SB1. There is a limited amount of money available, so priority is given to producers with conservation plans. The commission placed a cap of \$30,000 per project, but our internal “soft ceiling” is around \$15,000 per project so we can spread the money around to as many projects as possible.

FY2015 - \$100,000 in cost share. Seven projects in three counties – Auglaize, Mercer, and Hardin – as a result of GLSM watershed work.

FY2016 - \$150,000 – three projects completed and five projects underway in several different counties. Projects included those where discharge problems were addressed and corrected. Anticipate that all funds will be used before the end of the fiscal year.

Projects funding levels have gone down from peak levels in 2001 of \$1.2 to present levels in the \$100,000 range. The ability to complete projects goes down because of an increase of associated costs. Need to refocus and ask new director for what can be done to better respond as a state to these complaints. According to John Wilson, NRCS money coming to Ohio is around \$7 million over the WLEB. Plans are being developed to disperse the money over the life of the 2014 Farm Bill. For the remainder of the state, for FY2016 - \$12M allocated. Generally, the amount allocated has been \$12-16M. Projects with violations that are not funded are followed up on and not allowed to linger. With GLSM violations, nutrient management plans are reviewed as part of the investigation of complaints. NRCS and DNR are employees trying to pro-actively investigate all farms in the distressed watershed for potential problems.

SWIMS Update – Martin Joyce

Since December 2014, we have been working on upgrading and finding a replacement for SWIMS program. A review team was assembled this summer – 13 people – 6 SWCD staff members, 5 DWSR and 1 ODNR-OIT staff. Three programs were reviewed and unofficially decided on one program. In the meantime, we were informed that DLEPP also needs to be updated. ODA has asked that we look at programs that meet the needs of SWIMS and DLEPP. A list of DLEPP requirements has been passed on to the company working on SWIMS. They are ready to discuss how they can meet the needs of the DLEPP program as well. The approach will be to do something collectively that will meet the needs of both programs, as well as any new needs that may develop.

Local Funds/State Fund Common Issues/Trends – Dorothy Farris

Responding to a request from the previous meeting Dorothy Farris provided a snapshot of where the dollars are coming from and where it is going from FY2010-2016. In 2016, 13 SWCD's saw an increase in overall match%; 6 had less state dollars than in 2015. 8 SWCD's with a 6% to 10% loss in match percentage; 2 had less state dollars received in 2015; 8 SWCD's had over 10% loss in match percentage; none received less state dollars than in 2016. 50 SWCD's had an increase in local funds from 2015. The match dollars going out to SWCD in FY 16 besides differences in local funding were also the result of implementation of the November 2014 Match Policy and language in HB 64.

Larry Vance questioned the 5BV0 funding source and the dollar amounts. Lisa Syx with the DSWR indicated that the 5BV0 revenue comes from the scrap tire fee and CD&D tipping fees and the appropriation authority is maxed out at 8 million – this amount is requested from the OEPA and it is most likely attached to revenue in this fund. Is appropriated by OEPA. Lisa stated that if the fees go up and more is collected, then more can be asked for.

End of Year

On behalf of the director of ODNR, Mike Bailey presented certificates of appreciation to the board members. This will be the last commission meeting hosted by ODNR. As we prepare for transfer, Mike asked that travel reimbursements be submitted as soon as possible to ODNR.

AGENCY AND SWCD REPORTS

OSU – Scott Shearer

There is a new associated dean for extension named Roger Camp. Roger will start on 1/4/16 and is a graduate of Oregon State University and also received his PhD from The Ohio State University. Local support for extension continues to improve as indicated in Putnam County where an extension levee was passed this year. The University is in the process of hiring a new field special for agronomic systems on the faculty level. ARS units are embedded in the college and Kevin King is the new director of ARS Soil Drainage unit. The college is in the process of hiring four individuals in the precision agriculture area. Fertilizer application training will be going on from November to March.

USDA – NRCS – John Wilson

See Appendix A.

USDA – Farm Science Agency – Steven Maurer

CRP is a big program in this state. We need to do more work to get as many acres enrolled as possible. The more acres we enrolled the more money we can request from Washington DC. Updates on Farm Bill – enacted this year and this last month we have started making payments. The problem we are having this year is that payments vary from county to county. For example, payments were \$1/acre in one county and \$25/acre in the neighboring county. An issue came up in Mercer County where a producer had six farms in different counties, but they were headquartered in Mercer County and all farms received Mercer county rate when other counties had higher rates. We are working to address this issue.

Farm loan programs could work where producers are having trouble coming up with funds to correct violations. Rates are pretty good and where possible, we should be referring these individuals to the farm loan program. The microloan program was expanded in the last farm bill and qualifying individuals can receive up to \$50,000 to expand operations. The sign up for new dairy program ends November 20, 2015.

Ohio EPA – Russ Gibson

Changes in surface water division – Karl Gebhart is now in the Director's office and is leading the Lake Erie Initiative focusing on the beneficial reuse of dredge material. As of 2020, in Lake Erie disposal of dredge material will be prohibited. Karl is joined by Pam Allen who will be working on the dredge issues while, Karl focuses on the international collaborative signed by the Lt. Governor and Premier of Ontario. Tiffani Kavalec is the new chief of the division of surface water. Prior to being appointed Chief, she was the assistant chief for about a year.

Currently reviewing 319 grant applications and should have recommendations out by the December 16, 2015. This fall the last of the low head dams in the Olentangy State Scenic River were removed which now allows the Olentangy to flow freely from the Delaware dam to Worthington for the first time in over 100 years.

Recently, wrapped up successful nutrient reduction demonstration project in Crawford County, Lost Creek Subwatershed working with Mike Hall and Crawford SWCD. Applied for and received \$328,000 in FY12 through The Great Lakes Restoration Initiative money. Approximate 45% of the cropland acres in that watershed were covered by multiple practices as a result of this project which includes 2000 acres of cover crops, 630 acres of control drainage 5400 in conservation tillage and 5400 in whole farm management plans. Would like to congratulate the Division of Parks and Recreation for their dog program to help reduce the numbers of geese and seagulls at Buckeye Lake and other state parks. A \$5400 grant from OEPA to ODA was

used for this program which included the use of dogs for 90 days to harass geese and seagulls. In some areas helped to reduce E. coli levels through the use of these dogs.

ODA – Kevin Elder

Good bit of time spent with USDA preparing for upcoming influenza season by working and training with poultry producers. As a result of SB 1 the fertilizer cert program now requires that any manure moved from a certified farm must be going to certified farms or certified livestock managers. Busy doing inspections on the transfer of the manure and inspecting CLM to make sure they are using the nutrients properly. There will be CLM training the first week of February, 2016. Questionnaires sent to CLM and permitted farms to see if there are any additional topics that need to be addressed. Good bit activity on enforcement cases and case went to federal appeals court. Since last meeting, resubmitted delegation packages to US EPA, but it will be spring before all the evaluations are completed.

ODNR – Mike Bailey

The Division of Wildlife has a new Chief – Ray Petering. Ray retired in 2011 as the Executive Administrator for Fish Management. Director Zehringer also announced that the Buckeye Lake construction to replace the 4.1 mile dam has started. We hope to have construction of the stability berm wrapped up by June 2016.

OFSWCD – Mindy Bankey

The OFSWCD is excited about the new partnership with ODA. A statewide directors meeting was held last week and most shared the same concern about water quality and algal blooms. Federation and employee association will meet to get a sense of where the personnel are in the WLEB. NRCS will add six (6) new soil cons in WLEB and extension has put four (4) new nutrient management specialists somewhere in the basin. The National Chief allocated \$10M/year for three years to add four more people in the basin. Decisions will be made where these people will best utilized to benefit the producers who seek out their help.

OASWCD Employees – Nicole Hawk

A partnership meeting will be held February 20-23, 2016. Currently the employee association has 183 members. Membership fees are reasonable and a low cost way to provide must needed assistance. Employee memberships are \$15, and affiliate memberships are \$10. The OASWCD employees helped to prepare the grounds at the FSR this year. The association is meeting more often and trying to be more active. Currently looking for an Area 3 Director. On a sad note, the conservation family lost a pioneer when Tia Rice passed away recently.

Next commission meeting on February 24, 2015, most likely in the morning and will be held at ODA. Larry Vance brought up that fact that the federation meeting is scheduled for Feb. 21-23 and would it be possible to combine the meetings somehow to reduce travel.

With no further business to be conducted, the meeting was adjourned at 12:30 p.m.

APPENDIX A (USDA – NRCS – John Wilson)

WORKING LANDS PROGRAMS FY 2016 (do not have official FY 2015 data on program contracts and obligations yet)

Conservation Security Program (CSP)

- Re-vamping the program, no CMT. Training for staff this winter.
- 30 FY 2016 renewals will be obligated this week. 544 payments to process by December for payments this year.
- Sign-up dates will be announced nationally, probably in the 2nd quarter.

Environmental Quality Incentive Program (EQIP)

- Local workgroup meetings scheduled in November. Date/time, location and contact person is posted under “Public Meetings” on the Ohio NRCS website.
- General sign-up ranking period cut-off date is planned for mid-January.
- Special initiatives sign-up deadlines are planned to occur mid-March for the Honey Bee – non-WLEB, On Farm Energy, Organic, High Tunnels, Cleveland High Tunnel, and mid-April for the Asian Long horned Beetle, Southern Ohio Appalachian Outreach, and NWQI.
- Oak Hickory Joint NRCS and Forest Service application deadline has not yet been decided.

Regional Conservation Partnership Program (RCPP)

- Agreement signed with OFSWCD last week for technical assistance funds, \$700,000 over 5 years. \$200,000 will be spent this year. \$8.8 million going to FA for Ohio, spent \$3.5 million in FY 2015.
- No new national proposals for RCPP submitted from Ohio.
- Will participate in Cerulean Warbler RCPP this year, (national RCPP).
- Sign-ups for the state RCPPs planned for this spring (Delaware Promoting Phosphorus Reduction, East Fork Watershed Nutrient Reduction Initiative (Clermont)).
- Tristate P Reduction RCPP – each state has different sign-up deadlines. MI is Dec. 18, Ohio looking at mid-March, IN undecided.

Mississippi River Basin Initiative (MRBI)

- 2 Ohio MRBI’s funded, the new Upper Paint Creek MRBI and the existing Upper Brush Creek MRBI.
- Mercer MRBI sign-up deadline planned for mid-April.

EASEMENTS FY 2016

ACEP-FPE

National announcement scheduled for this week, check NRCS website or Twitter. A Mid-January application deadline expected.

Western Lake Erie Basin (WLEB)

Meeting held WLEB Strategic Plan development meeting on October 15 with NRCS and partners. 9B Consulting Firm based in Washington DC is developing the plan with input from stakeholders. Second meeting to present draft plan scheduled for Nov. 19. Plan should be completed by end of December.

NRCS/Farm Bureau Discovery Farms – NRCS has an agreement with the Ohio Farm Bureau Federation to establish 1 – 4 Discovery Farms (similar to WI) in the Blanchard River Watershed. Farm Bureau hired a full-time coordinator and is in

APPENDIX A (cont.)

the process of finding farms to participate. Agreement is from 2015-2020. Will feature conservation systems and innovate conservation practices and used for education (field days etc.).

Chief Weller spoke at the Lake Erie meeting held by the Toledo Rotary October 23-24. The Rotary Clubs are looking at investing in efforts to reduce the harmful algal blooms in Lake Erie.

Sean Duffey (MI) is acting WLEB Coordinator until position is announced and filled. New position established by NHQ.

DAM REHABILITATION

Sponsors of three dams completed rehabilitation assessments, Rush Creek, Upper Wabash, and E Fork Buck Creek.

SERVICES

Low use of the **Conservation Client Gateway**, will be promoting the use of this convenient system for customer contract management. Users need two-level E Authentication permissions. Customers apply for e-Authentication at local Service Centers.

RESOURCES

State Technical Committee Meeting – The State Technical Committee will meet on December 17 in London, Ohio.

We are revamping our training program for Certified Conservation Planner Certification and Continuing Education. It will contain introductory, developmental, advanced, and specialized components covering all aspects of conservation planning. An outline will contain required online, instructor-led, and OJT training. It will be available for NRCS and partner employees.

Ohio is implementing a new process for conducting preliminary wetland determinations in an effort to reduce the turn-around time for these requests. The process was tested in Area 1 and reduced the turn-around time considerably. Essentially, all but the most complex preliminary determinations will be done off-site. 1985 Digital imagery for each Ohio County was purchased to facilitate this process. A wetland determination log will be kept by FSA and NRCS to track determinations throughout the process.

NRCS BUSINESS

New **State Conservation Engineer** started last week, native Ohioan, comes from Iowa. Bruce Atherton. Teleworking from Iowa until December.

Vacancy just closed for **ASTC Special Programs**.

Chris Coulon is the new **Great Lakes PAS**, focusing on the WLEB. New position based in Columbus supervised by STC. State PAS vacancy announcement coming soon.

Several new field staff hired.

New job assignments for administrative staff began October 18. Still having issues with leases, now handled by new administrative team. New Grants and Agreement teams as well. Will continue to experience issues until new teams are fully staffed and trained.

Will be attending the 5 Area Winter Meetings and provide FY 2015 accomplishments as well as FY 2016 plans.