

**Ohio Soil and Water Conservation Commission**  
**February 24, 2016 – Ohio Department of Agriculture**

**Reynoldsburg, OH**

**Approved (April 20, 2016) Meeting Summary**

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

**Pledge of Allegiance**

**Roll Call Commission Members Present**

Chairman Tom Price

Vice-Chairman Fred Cash (late arrival)

Etta Reed

Bill Knapke

Bill Tom

Larry Vance

**Ex-Officio Members Present**

Kevin Elder

Rick Wilson

Kris Swartz

Mike Bailey

**Additional Attendees**

Larry Antosch (Ohio Farm Bureau Federation); Mindy Bankey (OFSWCD); Ed Crawford (ODA-DSWC); Dorothy Farris (ODA-DSWC); Jennifer Fish (Franklin SWCD); Fred Gates (ODA); Fred Hammon (Muskingum R. Watershed Conservancy District); Emily Heppner, ODA-DSWC; Kirk Hines (ODNR-DSWR); Martin Joyce (ODA-DSWC); Brandi Koehler (FSA); Matt Lane (ODA-DSWC); Greg Nageotte (ODA-DSWC); Cheryl Rice (NRCS); Lisa Syx (ODA-DSWC); Timothy Schirmer (ODA); John Schlichter (ODA); Bob Short (OFSWCD)

**Approval of Minutes**

Action: Bill Tom moved to accept the November 17, 2015 meeting minutes. Etta Reed seconded. Motion carried unanimously.

**Commission Member Reports**

Larry Vance attended Ohio Federation of Soil and Water Conservation Districts as representative of the OSWCC. He commended ODA leadership for their presence and participation as well as that of ODA-DSWC staff. He expressed concerns relative to the representation of urban interests and emphasized continued need to involve urban. Some questions came up regarding alteration of match and SWCDs involved in branding. He acknowledged the passing of **Ed Elliot** of Hardin County.

Chairman Price acknowledged the passing of Fred Cash's son and wife. He also shared appreciation for sentiments and well-wishes associated with newborn grandson's medical condition. Treatment of his grandson was a success. Price congratulated Mindy Bankey on a great OFSWCD Annual Meeting.

### **Recognition of Guests and Public Comment**

Chairman Price expressed appreciation to Deputy Director Schlichter for last minute assistance with meeting room arrangements.

Deputy Director Schlichter welcomed everyone to ODA for the first OSWCC meeting after the transfer, which he thought appropriate as ODA is the new home of soil and water. ODA leadership was very impressed with the OFSWCD annual meeting, and expressed the importance of a good partnership and looking forward to working with the new partnership.

Schlichter expressed ODA's support for Tom Price continuing as OSWCC Chair to provide continuity through the transition.

Schlichter requested a recommendation from the commission to ODA Director to appoint Kirk Hines as OSWCC Executive Secretary. Chief Kirk Hines is serving as interim Secretary for today's meeting.

ODA is very pleased with how the transfer has taken place. Cooperation with ODNR and Chief Bailey has been tremendous as well as with Deputy Director Ware and Director Zerringer. ODA is looking forward to Kirk Hines serving as Chief of Division of Soil and Water Conservation.

Larry Vance complimented Director Daniels for mailing letters to all SWCD board supervisors, and intentions for regular communications, i.e. quarterly newsletter.

Deputy Director Schlichter acknowledged the tremendous legacy that was passed on to ODA from ODNR.

Chairman Price invited guests to individually introduce themselves. See attendance list above.

Chairman Price invited public comments. None were offered.

### **Executive Secretary Report**

Chief Hines expressed his appreciation for the opportunity to work with the OSWCC and recognized the leadership and experience represented.

Action: Chairman Price requested a motion recommending ODA Director appoint Kirk Hines as OSWCC Executive Secretary. Larry Vance moved and Bill Tom seconded. Motion carried unanimously.

### **Board Appointments**

Chief Hines presented SWCD Board appointment requests from Champaign, Geauga, and Warren SWCDs.

Action: Larry Vance moved to appoint Heather Middleton Toops as Champaign SWCD Supervisor replacing Hank Wischmeyer. Etta Reed seconded. Motion carried unanimously.

Action: Bill Tom moved to appoint Jeffrey Huntsberger as Geauga SWCD Supervisor replacing Ken Folsom. Bill Knapke seconded. Motion carried unanimously.

[10:18 a.m. Fred Cash joined the meeting.]

Action: Larry Vance moved to appoint Dan Uetrecht as Warren SWCD Supervisor replacing Vince Uetrecht. Bill Tom seconded. Motion carried unanimously.

### **Approval of Joint Boards**

No joint board requests

### **Transfer**

Chief Hines referred to the new DSWC roster (attached) and reported that the transfer from ODNR to ODA, which included 27 staff including 4 part-time, is complete. He invited everyone to visit Bromfield Building 2<sup>nd</sup> floor to visit the new DSWC offices. Greg Nageotte and Justin Reinhart are located in the Graham building.

### **Financial Disclosure to State**

Dorothy Farris reported that financial disclosure documents are due May 16, 2016 (letter attached). Farris referenced the Web site and offered assistance.

Etta Reed requested contact list for John Mathews and Jay Dorsey, and others who have transferred elsewhere. Chief Hines agreed to provide the additional contacts and noted that the information will be included in a partnership roster, which is currently under development. Farris noted that the Ohio EPA Stormwater Program Web site includes Mathews and Dorsey's contact information. Their phone numbers remain the same while emails changed.

### **Legislative Updates**

Chief Hines introduced ODA legal counsel, Tim Schirmer. Hines referenced new code (handout). Ohio Revised Code has transferred from Section 1515 to Section 940. A minor change was made to remove reference to air quality, element G. Hines provided an overview of key code elements relative to the OSWCC.

Chief Bailey reported that he provided testimony to the Sunset Review Committee in support of continuation of the OSWCC.

Chairman Price welcomed Director Daniels.

Matt Lane provided an update on SB1 pertaining restrictions on fertilizer and manure application in the Western Basin of Lake Erie. The law became effective July 3, 2015. Rules became effective January 31, 2016. Rules outline exceptions and civil penalties. DSWC accepted names on a waiting list for exemption applications prior to rule finalization. Since the rules have been in effect applications were delivered to those on the waiting list. Roughly a dozen applications have been received.

\$350,000 was allocated in HB64 (budget bill) to assist with implementation of SB1. \$170,000 was distributed to 24 SWCDs. \$180,000 was offered to SWCDs as \$60,000 allotments in order to support multi-SWCD positions for manure and nutrient management. The funding was awarded to: Paulding\*, Williams, Defiance;

Allen\*, Putnam, Hardin;  
Seneca\*, Wood, Ottawa, Sandusky

\* Grant recipient and employer

Lane and others from DSWC have made many visits to Northwest SWCDs recently to communicate the procedures and expectations related to complaint investigation and follow-up.

Responding to a question, Lane clarified that small livestock operators may request a 2-year extension in order to continue application of manure on frozen ground while operations are adjusted to accommodate the restrictions. Medium operations may apply for 1-year extensions.

Tom Knapke asked for characterization of the SB1 complaints received thus far. Lane reported a variety of situations including violations and lack of knowledge regarding rules.

Larry Vance expressed interest in the change from chief's orders to civil fines. Lane explained that rules are in place for SB1 violations, and ODA may move immediately to issue Notice of Violation and impose civil penalties. Although the Ohio Revised Code relative to the Agricultural Pollution Abatement (APA) program was changed with reference to chief's orders removed, the chief's order is still referenced in rule. DSWC anticipates updated the rules within the year to incorporate civil penalties into the APA program.

Kevin Elder noted that issuance of civil penalties must be accompanied with an offer of administrative hearing.

Chairman Price requested clarification regarding the term of the \$60,000 SWCD positions for implementing SB1. Lane reported that they are currently 2-year positions, and expressed intent to request similar funding from the next biennium budget. Price requested the parameters for position continuation. Chief Bailey noted that the positions were to be created with the understanding they will be implementing a new program. When appropriate in the budget cycle, performance will be evaluated and needs assessed. Kris Swartz commented that continuation will likely be workload driven.

### **Revenue Report**

Lisa Syx provided an update on revenue with reference to spreadsheets (attached). Appropriation to DSWC (5BVO) is \$8.25 million, \$250,000 of which is earmarked for Heidelberg University. The 5BVO fund revenue fluctuates from year to year. There is currently a carryover of \$900,000. There is opportunity to incrementally increase the budget request to work down 5BVO. General revenue of \$3,250,000 was appropriated for SFY 2016/2017, \$350,000 of which is allotted to SB1 implementation.

Chairman Price requested clarification regarding the length of time carryover has been accumulating. Syx reported carryover has been accumulating since 2006. Price requested a graph showing the annual carryover over the past 10 years. Price asked how much carryover reserves other agencies try to maintain. Lisa suggested a 20% to 25% reserve is reasonable.

### **Match Policy and Form-11**

Dorothy Farris (referring to policy and Form-11 as handouts) reported DSWC has been preparing to implement the match policy adopted November 2014, which will take effect SFY2017. In order to do so, an amended Appendix A is being developed for the Form-11. Program specialists will work

through a draft worksheet with SWCDs before finalizing. A spreadsheet has been created for SWCDs to document budget contingencies.

HB 64 included language related to matching stormwater program revenues. Program specialists developed a worksheet, which is recommended to be formally added to the Form-11.

Action: Larry Vance moved to table discussion and approval of Form-11 changes until the April 2016 meeting. Bill Knapke seconded. Motion carried unanimously.

### **Conservation Assistance Grant Program**

Dorothy Farris provided an overview of recent Conservation Assistance Grant Program grant reports and noted good progress. (Attachment) Larry Vance asked whether the 3 receiving SWCDs were represented at the OFSWCD Annual Meeting. Kris Swartz, Chief Hines, and Mindy Bankey vouched for the representation of all 3.

Chairman Price asked when next round of funding would be offered. Farris responded that the next round of proposals will be requested in April 2016. This will correspond with development of Form-11s. She noted that OSWCC policy is increasing the base amount an additional \$25,000, which may remove some SWCDs from eligibility.

Chairman Price asked about the effect of the energy extraction industry on SWCD budgets. Farris reported at least one SWCD has received a windfall from gas royalties. None of the recipients of the Conservation Assistance Grants have been positively affected by gas extraction revenue.

### **Non-point Source Education Grants**

Emily Heppner provided highlights from the nonpoint source education grants (attachment).

### **Watershed Coordinator Grants**

Greg Nageotte reported on the fiscal and program status of the Watershed Coordinator Grant Program (attachment). OSWCC funding is currently supporting three watershed coordinators: Wood SWCD – Portage R.; Defiance SWCD – Upper Maumee R.; and Putnam SWCD – Blanchard R. The watershed coordinators have been successful aggregating financial and technical resources to implement watershed action plans.

Chairman Price asked for characterization of the watershed partnerships. Nageotte reported that the partnerships are diverse, and fit each watershed's implementation needs. Implementing partners are included in the program annual report, which is in final stages of development.

Kris Swartz expressed appreciation for ease of working with Nageotte and DSWC through administration of the program and while facilitating extensions. He noted that the Portage R. Watershed Coordinator has brought in roughly \$500,000 for implementation.

### **Farmland Preservation**

Lisa Syx reported that the \$13,200 allotment for SFY2016 is nearly expended with only \$200 remaining. The funds are distributed to monitor farmland preservation easements with SWCD receiving \$100 per easement report submitted.

Kevin Elder asked how many easement reports were supposed to be completed. Chief Bailey suggested that someone from ODA Farmland Preservation attend upcoming OCWCC meeting. Tim Schirmer suggested that some types of easements may not result in monitoring reports from SWCDs.

Chief Hines clarified that the OSWCC approved seven match funded programs for SFY 2016, representing roughly 4% of the state match funds directed by OSWCC. Updates on 3 of the 7 programs (Agricultural Pollution Abatement, SWIMs, and Grand Lake St. Marys Technical Assistance) were provided during the November 2015 OSWCC meeting. The updates just provided for the Conservation Assistance Grants, Non-point Source Education Grants, Watershed Coordinator Grants, and Farmland Preservation brings the OSWCC up-to-date for all seven special projects funded with state match.

### **July OSWCC Meeting and Tour**

Chief Hines reported the remaining 2016 OSWCC meeting schedule as follows: April 20, July 20, and November 9. OFSWCD Summer Supervisors School (SSS) is scheduled for July 17-19. The OSWCC summer meeting is coordinated with SSS to be held the following day, July 20. The OSWCC tour is proposed to be scheduled July 20 in partnership with OFSWCD.

Chairman Price invited comments from OSWCC members. Fred Cash supports coordination with SSS. It will help meet the OSWCC need to observe and connect at the district level. Bill Knapke agreed the coordination with SSS makes sense logistically if feasible. Etta Reed reiterated Cash's point that coordination will help OSWCC members connect with SWCDs. Since OSWCC members may not also serve as SWCD Supervisors, additional opportunities for staying connected are valuable. Kris Swartz conveyed appreciation of behalf of OFSWCD for the members' willingness to coordinate and maintain involvement. Larry Vance concurred.

Larry Vance asked whether it would be possible to see any oil and gas activity in Muskingum County. Chief Hines reported that connecting with SSS would require travel centered on Dublin. Touring areas of the state with oil and gas activity may be considered for future years.

Kevin Elder suggested consideration of co-locating the February 2017 OSWCC meeting with the OFSWCD Annual Meeting in Columbus.

Chairman Price noted many hours could be spent just touring ODA campus and the various operation of the department, and recognized insufficient time for touring Dublin, ODA, and eastern counties.

Chief Hines committed DSWC to working out the logistics and developing a few tour options for the OSWCC to consider.

### **Agency Reports**

#### **ODNR**

Chief Bailey reported for ODNR. Roughly 30 staff members remain from Division of Soil and Water Resources at ODNR as Division of Water Resources. The division is involved with many significant issues related to water resources including the Great Lakes Compact, which determines how diversions of water from the Great Lakes Basin are approved. The City of Waukesha, WI has requested approval to divert 10 million gallons per day from the basin. Division of Water Resources is accepting public comment. The \$150 million Buckeye Lake dam replacement project is proceeding well, and ODNR is looking forward to having engineering and dam safety sign-off later this summer, which will enable water levels to be raised somewhat. Bailey complimented Chief Hines and Chairman

Price for how the meeting today has been conducted, and pledged continued ODNR and Division of Water Resources support and assistance to the SWCDs, DSWC, and OSWCC however possible. In response to request for clarification from Larry Vance regarding the Waukesha diversion, Bailey provided additional detail regarding the community demographics and water supply situation.

## **Ohio EPA**

Rick Wilson reported on behalf of Ohio EPA. Jay Dorsey and John Mathews were transferred from ODNR Division of Soil and Water Resources to Ohio EPA, Division of Surface Water. They are now part of the Stormwater Program under Manager, Harry Kallipolitis. They are assisting with MS4 permits and giving advice to municipalities on improving stormwater systems.

Ohio EPA formed a Harmful Algal Bloom program administered from the Division of Drinking and Ground Water. It has been active for about a month.

Watch for webinar and workshop for inland lake protection. USEPA provided a grant to Ohio EPA to contract with TetraTech to develop a primer on inland lake protection including parties and information to include.

Ten of twenty-two 319 Grant proposals received have been recommended for funding. The combined total for the annual awards will be roughly \$2.2 million. Two of the ten are agricultural BMP projects, the remaining are stream and wetland restoration projects. USEPA approval is pending. The 2017 RFP should be similar to the 2016 RFP and should be announced in May/June 2016.

Wilson reported on 7 grants received from the Great Lakes Restoration Initiative Grant program. Four were agriculture related, 2 were urban related, and one was a mix of projects targeted to the Maumee Basin. Three are currently active. Agricultural projects have focused on edge of field detention, bridging gaps in funding (e.g. Crawford County cover crop seeding start-up; and performance reimbursement.). A grant was also awarded in Mercer County to establish 2 runoff wetlands with saturated buffers and re-irrigation system.

## **ODA**

Chief Elder reported on behalf of ODA. Submitted revised NPDES program delegation to USEPA, and awaiting review notice of public hearing. ODA won a law suit filed against ODA, Ohio EPA, and USEPA regarding issuance of NPDES permits. Commercial fertilizer certification trainings are on-going. Trainings are well-attended, and ODA estimates that roughly the same number will go through certification as did last year.

The 4R certification dealer program is covering over a million acres. In order to be certified, dealers undergo an independent audit to verify conformance with over 30 criteria related to soil testing and nutrient management. Elder recently worked with others to review 3 applications and recommend for certification. Roughly 25 dealers are now certified with another 50 having applied.

ODA has received several complaints. 16 NPDES permits are currently under review.

## **FSA**

Brandi Koehler reported on behalf of FSA. Koehler provided a written report (attached), and described status of CRP, and CREP program. 257,000 acres are currently enrolled in CRP, which is a 12,000 loss since July 2015. The loss is due to a combination of contract expirations and terminations. 21,000 acres will expire by the end of this federal fiscal year (Sept. 30, 2016). FSA provides a number of program opportunities to entice land owners to re-enroll acres into conservation.

Lake Erie Conservation Reserve Enhancement Program (CREP) has been in place for 16 years. 47,000 are currently enrolled with 20,000 remaining to achieve the program goal. The 12-year Scioto CREP has 69,000 acres enrolled with only 1000 remaining to achieve the program goal.

Under the State Acres of Wildlife Enhancement (SAFE) program 5148 acres are enrolled in Grassland & Wetland Complex with a goal of 13,900 acres. 15,751 are enrolled in the Pheasant SAFE program with a goal of 43,700 acres.

FSA is offering a general CRP sign-up, which began December 1, 2015 and runs through February 26, 2016. Two additional SAFE proposals have been submitted and are under review by the national office. One proposal is for quail habitat in the southwest portion of Ohio, and another is for Monarch Butterfly habitat for the remaining states in Ohio. With approval of these 2 programs, all counties of Ohio will be covered by SAFE programs.

## **NRCS**

Cheryl Rice reported on behalf of NRCS. A written report was distributed (attached). CSP is currently under sign-up until March 31, 2016. EQIP will provide more funding opportunities for Ohio this year, especially the Western Basin Lake Erie. NRCS has added 5 new soil conservationists and a resource conservationist in order to accommodate extra work load in Ohio. A national initiative will also add 3 soil conservationists in Ohio in the next year.

Honey Bee Pollinator, Cleveland High Tunnels, Wildlife 5% and the Oak Hickory Joint Chief's NRCS and Forest Service sign-up deadline is March 18, 2016. CAPs have a final deadline of April 15.

Reports were also provided regarding RCPP. A new \$425,000 proposal has been approved for Clear Creek with Highland SWCD. The Tri-state WLEB has resulted in 90 contracts for nearly \$4 million and over 29,000 acres. Delaware and Clermont county RCPPs are moving along well in their second years.

MRBI will continue to target the same watersheds this year. StrikeForce has been approved in Ohio for 11 counties (10 Appalachian and Lucas) to address rural poverty. Planning and engineering training has been offered. 60 attended first training. The goal is to have certified planners. Ohio is a pilot state for streamlining wetland determinations.

A new Wetland Mitigation Program is open for applications through March 28. The purpose of the program is establishment of mitigation bank sponsors. Eligibility is broad, including NGOs, municipalities, and/or for-profit applicants. Proposals may be up to \$1 million.

NRCS partnered with Farm Bureau on establishment of demonstration farms to highlight new technology. NRCS appreciates SWCD boards and staff support during local visits of election

candidates. Student internships are available (USAjobs.com). Public affairs specialist position will be posted soon. A WBLE watershed coordinator position will be posted as Michigan position.

## **OFSWCD**

Mindy Bankey reported on behalf of OFSWCD. The OFSWC was well-attended with diverse participation. OFSWCD is starting to plan Summer Supervisor School, and heavily involved in RCPP. Kris Swartz reported that the annual meeting was the best in a long time and well-attended. Swartz complimented Mindy and Allison for a great job. OFSWCD membership has embraced the transfer. A meeting was held with Harry Kallipolitis and Tiffany Kavalec of Ohio EPA to discuss urban programming. OFSWCD is working in SB1 area partnering with NRCS to hire 8 new SWCD staff. \$6 million was offered by NRCS in the WLEB area last year, and expecting to offer \$20 million.

## **Ohio Farm Bureau Federation**

Larry Antosch provided an update. \$1.89 million has been invested by OFBF in the last year on the water quality initiative, including partnering with NRCS to establish demonstration farms in the Blanchard R. watershed. Aaron Heilers was hired to coordinate efforts in northwest Ohio. \$140,000 was awarded as Water Quality Grants through local Farm Bureau chapters. The program leveraged roughly \$400,000 in match. This program provided support to Knox SWCD for development of the pesticide and fertilizer record keeping app. Additional funds are available this year for partnering with local Farm Bureau chapters. Applications will be received through April 15, 2016.

OFBF is continuing to support implementation of SB150 with recruitment for certification training. Support was provided to OSU Extension so trainings could be offered in counties without Extension Educators. Efforts are also continuing to help build awareness regarding SB1 requirements and implementation. Support has been provided to OSU Extension for the employment of 4 individuals to write nutrient management plans.

Healthy Water Ohio was a diverse partnership that developed a 20-30 year plan for Ohio water resources. Efforts are now underway to begin implementing the plan including:

- Development of an Ohio Water Trust, an entity that would be able to receive and administer funds from a water program bond issue similar to the "Clean Ohio Fund." OFBF and partners are still in the very preliminary discussion phases.
- Support a bond or ballot issue to provide funding. There have been recent proposals for similar bond issues to fund water resource infrastructure. Demand is high for infrastructure needs including dams, drinking water, waste water facilities, and green infrastructure.

CAUV eligibility on acres set aside for wildlife habitat has been questioned by local auditors. OFBF has worked with the Department of Taxation to resolve the issue.

## **Fred Cash Member Report**

Fred conveyed appreciation for all the sentiments and kind words received regarding the loss of his wife. Cleveland will be hosting the Republican convention. Stormwater practices installed on a farm with SWIF funding were able to accommodate large vehicles and equipment on site for a movie production.

## **Adjourn**

Larry Vance moved to adjourn. Bill Knapke seconded. Chairman Price adjourned the meeting at 12:08 p.m.