

Ohio Soil and Water Conservation Commission

November 13, 2013 – ODNR Building E-1

2045 Morse Road, Columbus, OH

DRAFT Meeting Summary

Call to Order (10:02 am)

Pledge of Allegiance

Roll Call Commission Members Present

Chairman Tom Price

Vice-Chairman Fred Cash

Bill Knapke

Kevin Elder

Etta Reed

Larry Vance

Additional Attendees

Karl Gebhardt (ODNR-DSWR); Mike Bailey (ODNR-DSWR); Ronda Tipton (ODNR-DSWR); Rob Hamilton (ODNR-DSWR); Chad Amos (ODNR-DSWR); Liz Cline (ODNR-DSWR); Fred Hammon (ODNR-DSWR); Jeff Ankney (ODNR-DSWR); Clark Hutson(ODNR-DSWR); Dorothy Farris (ODNR-DSWR); John Matthews (ODNR-DSWR); Martin Joyce (ODNR-DSWR); Michelle Wood (Holmes SWCD); Perry Orndorff (Fairfield SWCD); Jennifer Fish (Franklin SWCD); Cathy Berg (Ashland SWCD); Cindy Brookes (Sandusky River Watershed Coalition); Terry Cosby (NRCS); Michelle Lohstroh (NRCS); Joe Glassmeyer (OFSWCD President); Mindy Bankey (OFSWCD); Kris Swartz (OFSWCD); Tia Rice (Seneca SWCD); Michelle Mattix (Marion SWCD); Sara Fullenkamp (USDA-FSA);

Welcome

Chairman Price called the meeting to order at 10:00 a.m. and asked if there were any additions or changes to the day's meeting agenda as presented.

Action: Fred Cash moved to accept the November 13, 2013 meeting agenda as presented. Bill Knapke seconded. Motion carried 5-0.

Chairman Price then asked if there any additions or corrections to the July 10, 2013 draft meeting minutes, as presented.

Action: Kevin Elder moved to approve the July 10, 2013 meeting minutes as presented. Etta Reed seconded. Motion carried 5-0.

Commission Member Reports

Etta Reed reported that even though she has resigned as supervisor, she is continuing to serve on the National Association of Conservation Districts' Urban and Community Policy Committee in an ex-Officio capacity. She stated that a replacement is now being sought from the North Central Region.

Fred Cash reported that it was a difficult decision to have resigned from the Board of Supervisors after having served for 10 years, due to the Opinion from the Ohio Ethics Commission. He also reported that he had the opportunity to visit Malabar Farm, and found it to be an excellent facility

Tom Price reported that has been nominated to serve on OEPA's new Ohio Nutrient Water Quality Standards Technical Advisory Group (TAG), along with alternates Bill Knapke and Tom Menke. He stated that TMDL's will be a huge issue for Ohio in the future.

Bill Knapke reported that he was also asked to serve on the TAG, and has attended the State Technical Advisory Committee, and has learned a lot about the importance of local working groups. He also reported that he continues to serve on the National Pork Producers' Council Environmental Committee.

Kevin Elder deferred comments until the agency report.

Larry Vance was introduced as the newest member of the OSWCC, and shared his history in the field of conservation, dating back to his start in 1970.

Recognition of Guests and Public Comment

Chairman Price opened the floor to anyone that would like to provide public comment.

Jennifer Fish, Director of Franklin SWCD, provided comment relative to the letter (dated November 6, 2013) that she had submitted to the OSWCC regarding to the authorized use of district funds. She shared her concern with the policy adopted by the OSWCC at its July meeting, and the effect that it could have on Franklin SWCD's business operations. She stated that more research is needed on this decision and more input needs to be sought from districts.

Perry Orndorff, District Manager of Fairfield SWCD, expressed concern over the potential that if his county was aware of the carry over balance in his district fund, than they could potentially decrease county appropriations.

Cathy Berg, District Administrator of Ashland SWCD stated that communication is input is needed from districts, and that changes in administration should not result in a reinterpretation of the law.

Tia Rice, Program Administrator of Seneca SWCD expressed concern with changes occurring mid-stream without notification to districts.

Action: Fred Cash moved to bring the motion from the July 10, 2013 meeting (*Starting next year (2014), all local appropriations (county, municipal, and township) are required to be deposited into the special fund of the district in order to be considered eligible for any state match funds*) back to the floor. Etta Reed seconded. Motion carried 4-1.

Action: Kevin Elder moved to rescind the following policy which was adopted at the OSWCC's July 10, 2013 meeting: *Starting next year (2014), all local appropriations (county, municipal, and township) are required to be deposited into the special fund of the district in order to be considered eligible for any state match funds.* Bill Knapke Seconded. Motion carried 5-0.

Upon further commission discussion on the issue, it was determined that a comprehensive task force needed created to seek greater input.

Action: Etta Reed moved that a special task force be created (comprised of representatives from ODNR, OSWCC, OFSWCD, the CCAO and Auditor's Office), for the purposes of evaluating State Match as a whole (including what is considered for match), and provide the OSWCC with recommendations on the issue by a targeted date of July 2014. Fred Cash seconded. Motion carried 5-0.

It was also asked by the OSWCC that the task force include regional representation, and that the Form 11 needed to be part of what was evaluated.

Executive Secretary Report

ODNR-DSWR Chief Gebhardt reported that Kevin O'Connor has announced his intent to retire from ODNR.

Chief Gebhardt said that ODNR has been busy working with interested parties on Senate Bill 150, and that he has enjoyed visiting several SWCDs, including Holmes SWCD.

Staffing continues to be evaluated, as Constance White has announced her retirement as a Watershed Specialist. He stated that it continues to be a challenge in finding the right candidate to fill the position vacated by Matt Atkins departure.

He also stated that the Lake Erie Phosphorous Task Force II Report was officially released to the media this morning.

OSWCC Appointments

Four requests were submitted to the Commission to consider for appointments to SWCD boards.

Action: A motion was made by Fred Cash to approve all four appointments (*John Grills to fill the vacated seat of David Conrad of Lorain SWCD; Tom Marsalis to fill the vacated seat of Fred Cash of Cuyahoga SWCD; Marian Chace to fill the vacated seat of Thomas Spellmire of Warren SWCD; and John Delverne to fill the vacated seat of Etta Reed of Butler SWCD*). Kevin Elder seconded. Motion carried 5-0.

Approval of Joint Boards

Next, the OSWCC considered the approval of three requests for joint boards.

Action: Etta Reed moved to approve the request from Allen SWCD and Putnam SWCD to form a joint board. Bill Knapke seconded. Motion carried 5-0.

Action: Kevin Elder moved to approve the request from Allen SWCD and Hancock SWCD to form a joint board. Larry Vance seconded. Motion carried 5-0.

Action: Larry Vance moved to approve the request from Seneca SWCD, Crawford SWCD, Erie SWCD, Sandusky SWCD and Wyandot SWCD to form a joint board. Kevin Elder seconded. Discussion focused on

seeking clarification as to whether or not this request met the intent of a Joint Board, as set forth in ORC Section 1517. Motion carried 3-1 (Fred Cash abstaining).

Action: Kevin Elder moved that a Joint Board Statutory Language Task Force be created to bring this issue back to the OSWCC at a future meeting, with recommendations building upon what was evaluated in the OSWCC Conservation Program Delivery Task Force. Fred Cash seconded. Motion carried 5-0.

OSWCC Action and Discussion Items

Legislative Update

Chief Gebhardt reported that SB 150, introduced by Senators Hite and Peterson, is currently in a committee hearing. He stated that, at this point, the bill would grant most authority over fertilizer to ODA. Kevin Elder reported that Division of Plant Health at ODA would administer the certification of fertilize applicators, and would have authority to collect better data on fertilizer sales.

Chief Gebhardt reported that an amendment to SB 150 may be offered by Sen. Gardner which would re-purpose some of the unexpended funds previously appropriated to SWCDs for the Lake Erie Conservation Reserve Enhancement Program (CREP) to other nutrient reduction activities, including the open lake disposal of dredge material.

Discussion of Joint Board Legal Representation

Fred Hammon reviewed ORC Section 1515.17 and provided the OSWCC with a review of the discussions of Joint Board legal representation which came from the OSWCC Conservation Program Delivery Task Force. He stated that it needs to be clarified that a Joint Board has the authority to hire outside legal counsel, and that there is already agreed-to statutory language which was developed by the Task Force which could address this issue.

It was suggested that an Omnibus Bill could be the ideal vehicle by which to propose statutory changes. The commission fully expects movement on this issue of legal representation.

Muskingum Joint Board Update

Michelle Wood, District Administrator for Holmes SWCD, provided the OSWCC with an update on the Muskingum Joint Board. She provided background on how the Alpine Cheese credit trading program was successful in working with producers in one watershed in Holmes County, and how the Joint Board is focused on expanding that success into a broader watershed. She discussed the elements of the trading plan, the functions of the joint board, and the role of the county SWCD in the process.

Update on Oil & Gas Activity in Eastern Ohio

Fred Hammon provided an update to the OSWCC on oil and gas activity in Eastern Ohio, including the total number Utica well permits. He stated that pipelines continue to be on everyone's mind more than anything, including gathering lines. He has been meeting with companies, and providing updates on Ohio's various rules relative to water withdrawal rights issues. He stated that many SWCDs are focused on responding to many of these issues.

Pipeline Standard and Construction Guidance

John Mathews shared with the OSWCC copies of the new “Pipeline Standard and Construction Guidelines.” He stated that extensive effort has gone into updating the old pipeline standards, which were last updated in 2009. He said one of the issues addressed in this new document include soils restoration, and that while it will continuously be a work in progress, it is largely a finished product

Chief Gebhardt stressed that while ODNR does not have any regulatory authority, the division wanted to be able to provide consistent guidance to landowners and SWCDs dealing with pipeline issues.

SWIMS Update

Martin Joyce provided an update on the process for improving SWIMS. A survey has been sent out to all SWCDs asking for an evaluation of SWIMS, and a stakeholder group meeting is being scheduled for January. The intent is to have initial recommendations out by early Spring of 2014.

Toolbox Grant (2012)

Liz Cline provided background relative to Warren SWCD’s request for guidance on returning the funds awarded to the district for a 2012 Toolbox Grant.

Action: Fred Cash moved to accept the return of the grant funds from Warren SWCD. Kevin Elder seconded. Motion carried 4-0 (Etta Reed abstaining).

Nutrient Reduction Outreach Grant

Fred Hammon provided the OSWCC with a spreadsheet which showed the status of how the various recipients of the Nutrient Reduction Outreach Grant have expended their funds to date, and which districts have requested extensions.

Action: Larry Vance moved to extend the deadline for all awardees of the Nutrient Reduction Outreach Grants to have completed their projects from January 1, 2014 to June 1, 2014. Etta Reed seconded. Motion carried 5-0.

Future 2014 Meeting Dates

The following quarterly meeting dates were proposed for 2014 by Deputy Chief Bailey, and accepted by consent by members of the OSWCC:

January 15, 2014 (10:00 am) – Building E-1, Assembly Center

April 9, 2014 (10:00 am) – Building E-1, Assembly Center

July 8-9, 2014 - Area 2 (Geneva State Park)

November 12, 2014 (10:00 am) - Building E-1, Assembly Center

Agency Reports

USDA-NRCS: Michelle Lohstroh, Assistant NRCS State Conservationist, reported that NRCS will be operating under a continuing resolution until January 15, 2014, and USDA is still operating with an expired Farm Bill. She stated that the furlough which resulted from the government shutdown of October impacted SWCDs. She also reported that the Grand Lake St. Marys EQIP sign up runs through December 20th, and the Urban Waters efforts are taking place in the Western Lake Erie Basin watershed, which is a partnership between USEPA, the US Army Corps of Engineers and USDA.

USDA-FSA: Sara Fullenkamp provided the OSWCC with a written program update on the status of CRP acreage. She stated that 12-13,000 acres of CRP contracts will be expiring in 2014, and 16,000 acres will be left to meet the allotment.

OEPA: Brian Hall, Assistant Chief of the Division of Surface Water, was unable to attend the meeting, but submitted the following update: Ohio's Nutrient Strategy was submitted to US EPA for review and comment, and OEPA has received draft comments, and expect official comments soon. Relative to the development of State Nutrient Water Quality Standards – OEPA has conducted early stakeholder outreach, and had requests to convene a Technical Advisory Group (TAG). As such, a 10 member TAG has been selected and the first meeting is scheduled for next week. The intent is to have nutrient criteria developed within 12 months. Finally, Ohio EPA's Surface Water Study Areas for 2014 have been selected: Auglaize River, Rocky River, Little Muskingum River, Wills Creek, Big Darby Creek and Mill Creek (Cincinnati).

OFSWCD: Mindy Bankey, OFSWCD CEO, reported that the federation had a great Farm Science Review, and the winter Area meetings are currently being planned. The Annual Meeting is being planned for March 3-4 at the Columbus Renaissance Hotel, and SWCDs continue to push the 4Rs.

OASWCDE: Tia Rice reported that the results of the training needs survey has been finalized, and encouraged the commission and those in attendance to continue to review the association's newsletters.

ODA: Kevin Elder reported that the Division of Livestock Environmental Permitting currently has over a dozen permits to expand going through review. Additional deadlines are soon approaching for the registration of Dangerous and Wild Animals, which may result in ODA housing more confiscated or forfeited animals at its new facility. At a recent meeting of the Ohio Livestock Care Standards Board, it was reported that there were 51 complaints regarding care standards received in 2012, and only 23 in 2013.

Being no further business before the commission, Chairman Price adjourned the meeting at 12:57 p.m.