

## **Response to Public Comments on draft 2025 Lake Erie Protection and Restoration Plan**

The Ohio Lake Erie Commission (OLEC) worked with our Commission agencies to prepare and present the draft 2025 Lake Erie Protection and Restoration Plan (LEPR). The LEPR Plan was shared for written public comment and received the following comments. We appreciate the commenters' time and effort. OLEC has compiled the public comments below (as written or with minor formatting differences) and briefly responded in red within this document. There are links provided in the responses for more information.

### Submittal 1:

Dear Commission

My name is Jim Rose, a life long Ohio citizen, a 50 plus year western lake Erie boater and a lake Erie Waterkeeper member.

In reviewing your draft I read under current commission activities is to lead coordination for the H2oOhio initiative, my understanding is H2oOhio was created among other things to address harmful algae blooms (HAB'S), which would require reducing the nutrient load going into the lake.

Listed under commission accomplishments I see NO mention of ANY reduction in nutrient load entering lake Erie, while the commission does a lot of good things it's plan to date has failed to address HAB'S.

It is known the conventional row crop farmer (corn wheat soybeans) has done a good job in reducing their use of fertilizer but in the same timeframe we have had a large expansion in number and size of confined animal feeding operations (CAFOs). Their application of manure in a concentrated manner has offset the reductions made by row farmers. The CAFO's and their practices need to be addressed or the commission will never meet it's intended goal in regards to HAB's

I wish the commission the wisdom and strength to move us forward on this issue.

Regards Jim Rose

### Submittal 2:

To Whom It May Concern:

Lake Erie is green again. Why? Because the State is allowing CAFO's to operate with impunity. Your report is highly deficient in not stating the culpability of the State of Ohio EPA in this corrupt scheme.

The report may allow you to "check the box", as far as producing a "report". But in the the end, it is a disingenuous waste of ink.

The Ohio Department of Agriculture needs drastic reform. It is also highly complicit in this charade of “regulating” CAFO’s.

There has been no improvement in Lake Erie water quality since the Toledo water crisis.

Ohio is to blame for Lake Erie’s polluted water, and your report was a waste of time for all concerned parties, although it gives the State cover for another year, until another worthless document appears.

Sincerely,

Charles Kotz

**Response (Submittals 1 & 2):** Your comments are noted. Analysis of nutrient reduction and sources is beyond the scope of this report. More detailed information on nutrient reduction efforts and measures can be found in the [Western Lake Erie Tributary Water Monitoring Summary](#) (see especially Figure 3 on page 3), the [Ohio Domestic Action Plan](#), [H2Ohio Annual Reports](#), [Maumee Watershed Nutrient TMDL biennial report](#), [NOAA’s HAB Severity Index](#) (and the most recent seasonal projection available at this time from 5/29/2025, which shows that HAB severity has been lower 2020-2024 than in previous years), and the [Annex 4 Subcommittee Adaptive Management Report \(2017-2021\)](#) (which states that phosphorus loads were not increasing as of 2021).

Submittal 3: (please excuse any formatting errors. The original PDF will also be included in the record.)

On behalf of the Alliance for the Great Lakes (AGL) and Ohio Environmental Council (OEC), and our thousands of members and supporters throughout the state of Ohio and the Great Lakes Region, we respectfully submit these comments on the draft 2025 Lake Erie Protection & Restoration Plan (LEPR). We look forward to engaging with the Ohio Lake Erie Commission (OLEC) in the future regarding this Plan and appreciate the opportunity to provide comments.

**Comment #1:** Include a contingency strategy in the LEPR Plan to address potential H2Ohio and federal funding shortfalls and prioritize high-impact, cost-effective conservation practices.

The draft LEPR Plan heavily emphasizes continued implementation of H2Ohio programs, particularly for nutrient pollution reduction and wetland restoration. Given current legislative proposals to reduce H2Ohio funding and proposed cuts for water infrastructure and conservation at the federal level, the Plan should include a clear contingency strategy detailing how OLEC and state agencies will address potential funding and programmatic gaps. Additionally, it is important to acknowledge that sustaining current investment levels across all conservation practices indefinitely is not feasible, further underscoring the need to prioritize high-impact, cost-effective strategies.

We recommend the following:

- **Contingency Strategy for Nutrient Reduction Efforts** - Given that H2Ohio serves as the primary funding mechanism for on-the-ground agricultural best management practices (BMPs), wetland construction, and edge-of-field nutrient management, the Plan should include a contingency strategy. This should detail how nutrient reduction goals will be achieved if H2Ohio funding is cut, including alternate funding sources and programmatic adjustments.

**Response:** On page 12, the plan recommends maintaining investments for resource protection and protection through state programs of the Clean Ohio Fund, Water Resource Restoration Sponsor program, H2Ohio, and other state funding mechanisms. The plan does not outline specific budget needs for any of the goals outlined in the plan. The state biennium budget process is a separate process.

- **Clarification of State Agency Roles in Sustaining Nutrient Management Programs** - The Plan should clearly identify how OLEC, Ohio Department of Agriculture (ODA), Ohio Environmental Protection Agency (EPA), and Ohio Department of Natural Resources (ODNR) will sustain nutrient reduction commitments in the event of reduced H2Ohio allocations. Clarity is needed on whether existing nutrient management projects will continue and how new practices will be prioritized.

**Response:** These commitments are developed separately through existing processes of the Great Lakes Water Quality Agreement, the Clean Water Act, and internal agency planning. In this document, we collate, organize, and report existing commitments.

- **Federal Program Leveraging for Nutrient Reduction** - To maintain momentum on phosphorus and nitrogen reduction, the Plan should detail efforts to scale up use of federal programs such as Great Lakes Restoration Initiative (GLRI), NRCS EQIP and CSP, and EPA Section 319. A strategy for aligning state and federal nutrient reduction programs should be included.

**Response:** OLEC will continue coordinating with state agencies and U.S. EPA's Great Lakes National Program Office on GLRI, as mentioned on Page 5. State agencies also have additional avenues for requesting federal funding for specific programs, such as 319. The Plan outlined state priorities while recognizing that federal investments and programs supplement and augment the work led by Ohio agencies. Leveraging these federal resources is an on-going year-by-year and project-by-project continuing dialogue between the state and federal governments.

- **Prioritization of Nutrient Reduction Projects under Fiscal Constraints** - The Plan should explain how the most nutrient-impacted watersheds and projects will be prioritized for continued implementation.

**Response:** Ohio's commitment to consider project prioritization was included in the [Ohio Domestic Action Plan 2023](#). The [H2Ohio Annual Reports](#) also indicate that Northwest Ohio has been prioritized for nutrient reduction actions under that funding source.

- **Sustaining Local Nutrient Planning and Technical Assistance Capacity** - Nutrient reduction depends heavily on local capacity provided by Soil and Water Conservation Districts (SWCDs) and conservation organizations. The Plan should include specific provisions to preserve technical assistance capabilities that support BMP adoption and nutrient management plan development.

**Response:** The plan includes a goal, on page 11, to support increasing capacity for SWCDs to develop Non-Point Source Implementation Strategies, which may include specific BMP adoption plans within a small watershed and to continue education efforts to agricultural producers to increase nutrient management plan adoption and implementation.

- **Economic Justification for Nutrient Reduction Investment** - Highlight the long-term economic value of nutrient pollution reduction, including avoided costs of drinking water treatment, prevention of harmful algal blooms, and protection of fisheries and tourism. This argument may bolster legislative and public support for maintaining or restoring H2Ohio funding.

**Response:** An additional sentence has been added to the narrative on Page 11 to incorporate your comment.

**Comment 2:** Prioritize long-term monitoring of nutrient reduction projects.

The Plan prioritizes maintaining robust monitoring of nutrient reduction efforts and in-stream conditions to inform adaptive management. Long-term water quality monitoring is essential to determine whether the Plan's strategies are achieving the intended reductions in nutrient loads. Currently, H2Ohio provides project monitoring for only two years, which limits the ability to evaluate sustained impacts over time. We recommend the Plan include resources to extend monitoring beyond the H2Ohio period to ensure that data collection can identify where nutrient loads persist and enable more targeted, cost-effective management actions.

**Response:** Noted. In addition, as stated on page 6, the stream monitoring network, which provides agencies with frequent, routine gage data in a variety of watersheds in the Lake Erie Basin, was incorporated into longer-term strategies such as the [Ohio Domestic Action Plan 2023](#) and GLWQA [Annex 4 Subcommittee Adaptive Management Framework](#). OLEC has also secured GLRI funding for wetland nutrient monitoring research being led by OSU.

**Comment 3:** Regional water demand studies should incorporate environmental and ecosystem demands. While Ohio has taken steps to better understand the impact of large water withdrawals as the state continues to draw interest in new technology and industry development, it is not comprehensively assessing the impact of water withdrawals on Ohio's water resources. For example, most recently, OEPA and ODNR completed the Central Ohio Regional Water Study to assess water supply, demand, and the impact of withdrawals. Unfortunately, the study design omitted necessary base flow for surface water features fed by groundwater in demand calculations. The product is a dashboard that identifies where groundwater is available without accounting for environmental and ecosystem needs. We recommend OLEC and agencies develop a plan to better understand this information gap and to include these factors when calculating demand in future studies.

**Response:** This comment will be provided to Ohio EPA and ODNR for consideration in future scoping of studies.

**Comment 4:** Ohio groundwater law is inadequate to ensure sustainable groundwater management.

Ohio groundwater law is also inadequate to be able to curb or halt groundwater use where an aquifer may be impacted, but before a crisis occurs. Per R.C. 1521.01(I), a groundwater stress area is a definable geographic area in which groundwater quantity is being affected by human activity or natural forces to the extent that continuous availability of supply is jeopardized by withdrawals. While the term implies the ODNR Chief of the Division of Water Resource's ability to limit or regulate withdrawal in such areas, its significance is unclear. This is because no rules have been adopted governing such areas. This defies the requirement specified in R.C. 1521.16 that the Chief **must** adopt rules establishing the standards and criteria for determining when an area of groundwater is a groundwater stress area, the geographic limits of that area, and a threshold withdrawal capacity for the area below which registration is not required.

We recommend that OLEC encourage ODNR to adopt rules governing such areas, including rules enabling ODNR to restrict or limit groundwater use in such instances.

**Response:** This comment will be provided to ODNR for consideration. It is beyond the scope of this plan to include it here.

**Comment 5:** Make information about withdrawals publicly accessible.

As noted in the Legal Institute of the Great Lakes' 2019 assessment of Ohio's implementation of the Great Lakes-St. Lawrence River Basin Water Resources Compact, (Compact) while ODNR makes a registration portal available on its website, no information about existing withdrawals is publicly accessible, making it unclear whether such registrations and reporting is regularly occurring as required under the Compact. We recommend that OLEC encourage ODNR to make the portal publicly accessible.

**Response:** This comment will be provided to ODNR for consideration. It is beyond the scope of this plan to include it here.

**Comment 6:** Improve coordination between OEPA and ODNR concerning plan approvals.

While R.C. 6109.072 requires that an ODNR permit or withdrawal registration be included as part of an OEPA well-siting application, that verification step is not required where a public water system seeks to expand its capacity through a plan approval. A public water system could increase its capacity without drilling a new well by modifying the capacity of an existing one. A public water system could also divert water from the Lake Erie basin without ever drilling a new well. OEPA should include in the application for plan approval a requirement that the applicant verify that the applicant has registered and obtained consumptive use or diversion permits from ODNR, as applicable. We believe this would do all the following:

1. Clarify that the applicant must take the step of registering with ODNR or obtaining a diversion or consumptive use permit to obtain plan approval from OEPA.
2. Provide a record that ODNR can examine to track and assess whether public water systems are complying with registration and consumptive use and diversion permit requirements when making substantial changes to the system.

3. Bring public awareness to the ODNR requirements that are part of Compact requirements and ensure Ohio's commitment to the Compact is upheld.

The Alliance submitted the above comments to OEPA during an Early Stakeholder Outreach period on May 31, 2024, and have not received a response to those comments, nor has that rule been finalized for Interested Party Review. For this reason, OLEC is uniquely situated to be able to elevate this comment and encourage coordination between the two agencies concerning plan approvals for major changes to public water systems.

**Response:** This comment will be provided to ODNR and Ohio EPA for consideration. It is beyond the scope of this plan to include it here.

**Comment 7:** Fund Ohio Sea Grant to implement nutrient reduction technologies on the ground.

The Plan's accomplishments highlight funding for Ohio Sea Grant to develop case studies for marine debris capture technologies. We recommend the Plan utilize Ohio Sea Grant to potentially implement on the ground nutrient reduction technologies. Ohio Sea Grant and ODNR created the Ohio Clean Marinas Program in 2004, and it continues to be utilized by marinas that line the coast of Lake Erie.<sup>1</sup> These businesses are often our last line of defense from nutrient loads, and it may benefit the Plan to utilize this program for more robust nutrient reduction practice implementation.

**Response:** OLEC agrees that Ohio Sea Grant has been a valuable partner for marine debris efforts and more. This comment will be provided to Ohio Sea Grant for consideration.

We hope that our comments—along with those submitted by other stakeholders equally committed to protecting the Great Lakes, our nation's most valuable freshwater resource—will contribute to strengthening the draft LEPR Plan and its implementation strategies. While we were able to meet this deadline, we note that a two-week comment period is a short timeframe for reviewing a plan of this significance. We respectfully request that future draft plans be made available for at least a 30-day public comment period to ensure more meaningful engagement.

**Response:** OLEC will strive for a longer public comment period in the future and has been able to accommodate a few additional days for this comment period when that request was submitted ahead of time. Additional comments may still be submitted for consideration but may not be feasible to incorporate into the plan this year.

Helena Volzer, JD  
Senior Source Water Policy Manager  
Alliance for the Great Lakes

Emily Kelly, MS  
Agriculture and Water Manager  
Ohio Environmental Council

Submittal 4: (Please excuse any formatting errors. The original PDF will also be included in the record.)

Comments on the Lake Erie Protection & Restoration Plan for Fiscal Year 2025 created by the Lake Erie Commission

By Peter Hess, Member of the Board of Directors of Lake Erie Waterkeeper

May 27, 2025

Mr. John Logue, Director, and the Commissioners of the Ohio Lake Erie Commission.

Thank you for allowing me to comment on the 2025 draft Lake Erie Protection & Restoration Plan, a comprehensive strategy aimed at preserving the water quality and ecological balance of Lake Erie. I want to take a moment to acknowledge and appreciate the indispensable work and activities of the Commission. Your efforts are not just crucial, but integral to the legacy of clean water that current and future generations should be able to enjoy. The heavy burden that rests upon you to coordinate Governor DeWine's programs, overseeing the Great Lakes Water Quality Agreement, the Domestic Action Plan, and respective program funding, is a testament to your dedication and value to this cause.

I urge you to incorporate a science-based approach for sound policy-making. During these times of shrinking resources, every financial expenditure must be soundly vetted and demonstrate an enhancement to improving the Great Lakes water quality. This means using science to make difficult choices to redirect funding from programs with minimal or no water quality benefits to those demonstrating a better rate of return in improving water quality. I urge you to rely on the current wealth of information in your decision-making and abandon well-intentioned programs, such as instream wetland construction for Harmful Algal Bloom (HAB) mitigation and some best management nutrient reduction practices, that will not move the marker towards clean water. This science-based approach is not just a reassurance, but a necessity for our shared mission. This evaluation of what is working, what is not, and what can be done to improve the existing mitigation measures is part of the adaptive management process. Still, the strategies appear to be stuck in the status quo mode with little changes from what was proposed many years ago.

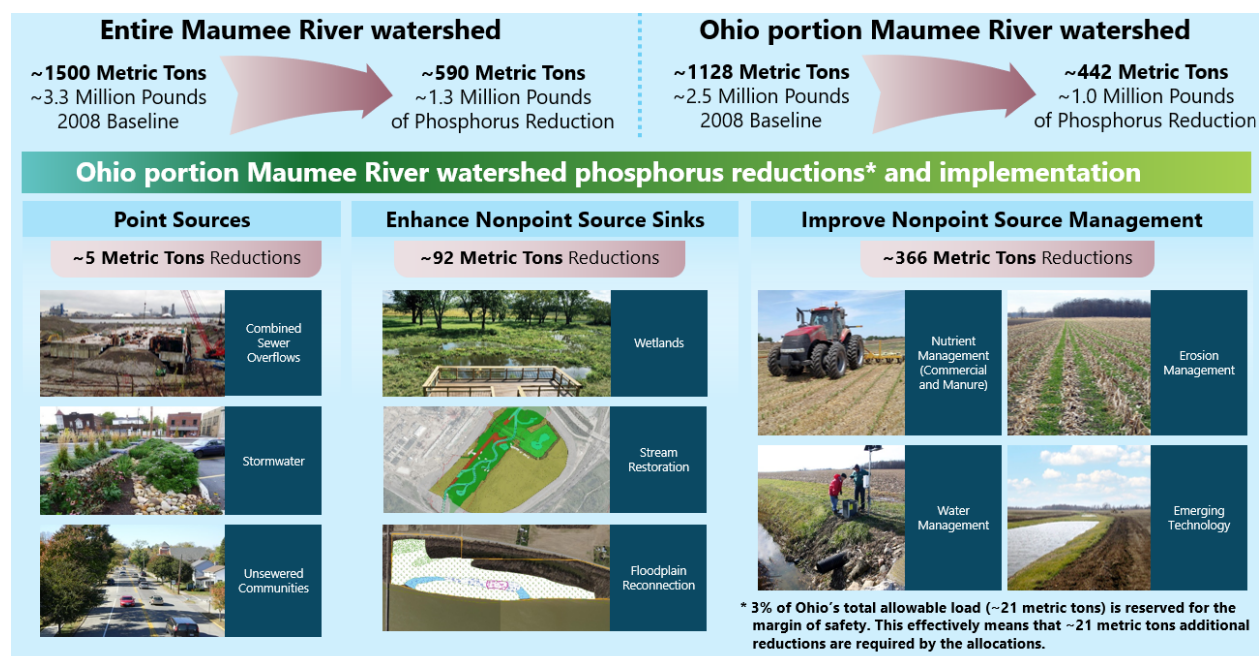
Planning, especially environmental planning, is a process, not a product. The continuous planning process is not just a formality, but a crucial tool for our shared mission. It isn't very sensible unless the lessons learned during the implementation of the items, coupled with the emerging science, are used to direct and adjust the attainment plan. The Lake Erie Commission needs to be in concert with, not a step behind the music of the emerging science. Likewise, the Lake Erie Commission staff needs to exhibit an astute understanding of the plethora of complex issues surrounding the challenges and act with vision to guide the Commission in making sound recommendations for future programs. This principle is more urgent than ever due to possible resource reductions. Reliable data is not just a tool, but a cornerstone for the success of our mission.

While well-intentioned, the proposed Lake Erie Protection & Restoration Plan addresses the issues piecemeal. This Swiss cheese approach is fiscally unsustainable. A linked, comprehensive, science-based, logical solution is not just necessary, but crucial to enlist support from all affected parties. This approach will demonstrate progress with a reasonable degree of goal accomplishment in a sound fiduciary manner.

The following specific actions are respectfully submitted for your consideration as enhancements to the Lake Erie Restoration Plan for 2025. They focus on the 2025-2027 Goals on page 11 and the Nutrient Pollution Reduction items on pages 6 and 7. These actions are intended to improve the plan's effectiveness and conserve fiscal resources. The Lake Erie Restoration Plan is not just a document, but a roadmap to our shared mission of preserving Lake Erie's water quality and

ecological balance. Your careful consideration of these actions is a testament to the importance of your work and the impact it will have on the future of our beloved Lake Erie.

A. Start to apply adaptive management to direct resources to the most effective mitigation strategies while reducing funding to ineffective measure: Based on the March 2024 H2Ohio Wetland Monitoring Report for 2023, which shows the dramatic failure of the 24 H2Ohio Instream Wetland Projects that flow to the Waterville monitoring station to meet the mitigation target of the 2024 Maumee River Watershed Nutrient Reduction TMDL, further pursuing this strategy should be curtailed or eliminated as a mitigation measure for collecting phosphorus. The report shows that in 2023, the net ranged from 0 to 108 pounds, with three pounds of phosphorus removed on average per acre restored. As seen below, the target contained in the TMDL is 92 metric tons per year from the restoration of wetlands, stream restoration, and floodplain construction. This fiscal information makes a strong case for reconsidering the strategy to be effective for nutrient reduction and must be addressed. The underestimation is due to the impact of spring rains flushing captured dissolved reactive phosphorus (DRP) from the wetlands. ii Constructing wetlands and other in-stream projects has ancillary benefits, but funding to reduce nutrients is better allocated to other, more effective projects. Iii



TMDL-Figure ES2. The TMDL is implemented by managing all reduction opportunities in the watershed, both by reducing sources and enhancing existing sinks.

**Response:** The purpose of the LEARN wetland monitoring program is to provide ODNR with science and data to determine the best locations and designs to restore and build wetlands as discussed in the [H2Ohio Annual Reports](#) (e.g., see page 20 of the 2024 H2Ohio Annual Report).

B. The need for more effective nutrient mitigation strategies is urgent. The current slate of best management practices (BMPs) should undergo a complete review, as highlighted by the work of Gatiboni et al. It is critical that the agencies have common-sense guidelines to approve projects and allocate public resources in the community's best interest. For example, if all P fertilizer applications are eliminated, the current program will reduce DRP by approximately 4% annually.

This unacceptable DRP reduction rate, which equates to attaining removal targets in approximately 14 years, underscores the situation's urgency and the need for a more effective and forward-thinking strategy. The Commission's and participating agencies' crucial role in recommending, finding, and implementing a more effective approach is highlighted by this urgent situation.

**Response:** Changes have already occurred in H2Ohio since its inception in 2019. For example, ODA now requires that an approved Voluntary Nutrient Management Plan be in place before funding for other BMPs can be accessed. ODA streamlined practice enrollment and program requirements this year, taking the number of BMPs offered from seven to four (page 13 of the 2024 H2Ohio Annual Report). Drainage water management practices began being installed starting in 2022 (see page 14 of the 2024 H2Ohio Annual Report). Conservation ditches are designed to slow water flow, provide additional water storage, reduce erosion, and take up nutrients through the vegetated benches along the channel and are anticipated to be cost effective and long lasting. All H2Ohio practices and projects combined are making an impact on phosphorus load reduction from the source, indicating H2Ohio is progressing on the right course for long-term results. In the previous biennium, the Commission used H2Ohio funds to test scenarios as a method to cross-check programmatic estimates for H2Ohio nutrient reductions. Results from the watershed modeling show that the selected H2Ohio conservation practices work as expected to reduce nutrients going to the WLEB. Some practices reduce phosphorus more than others, and water quality improvements will be accelerated with increased adoption of practices (see page 31 of the 2024 H2Ohio Annual Report).

C. There is an urgent need for a comprehensive evaluation of the current BMP measures: Based upon the work of Osterholz et al. of the USDA-ARS, the study demonstrates another point about modifying the slate of BMPs currently in the H2Ohio program. The study shows the need to adjust the current practices compensated by the State of Ohio. This work shows that a) surface placement, manure, and late fall timing enhance the risk of new DRP losses. b) manure applications cause greater new phosphorus losses than inorganic fertilizer. c) new DRP losses from liquid manure application by broadcast are 6 to 4 times greater than those from other fertilizers. d) March applications show significantly (6 times) greater new DRP and TP losses than other months. This information (seen below in figures A and B) must be factored into the structure of the BMP menu. It is evident from the below that 1) liquid manure application must be a focus, and 2) prohibition of liquid manure application during December, November, and March deserves review.

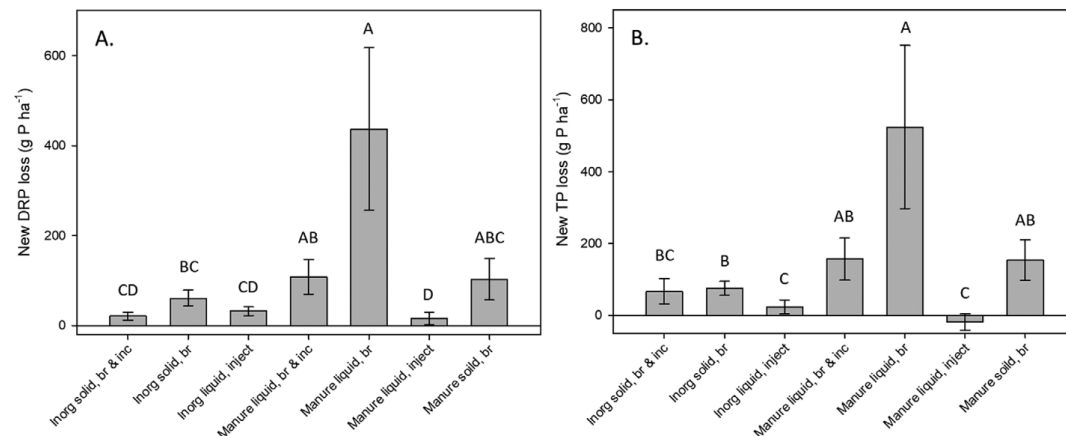


Figure A (above). New dissolved reactive phosphorus (DRP) (A) and (B) total P (TP) losses according to P fertilizer form and placement. Means  $\pm$  SE are shown for each form and placement combination. Inorg = inorganic fertilizer, Br = broadcast application, Inc = incorporated with tillage (within 3 weeks of application). Different uppercase letters indicate that category means were significantly different according to analysis of variance (ANOVA) performed on the lognormal scale. Osterholz et al.

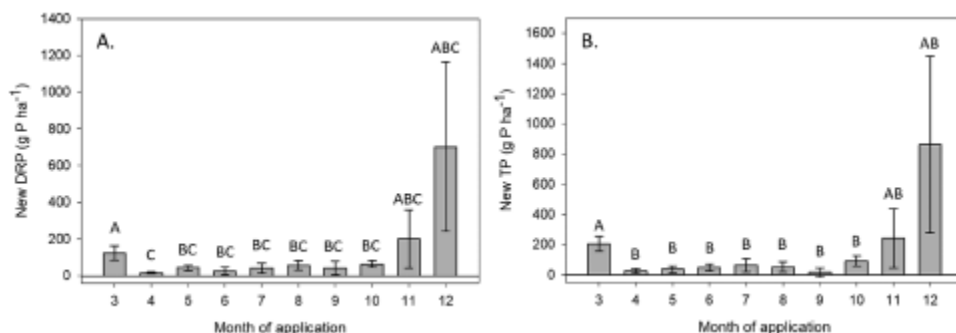


Figure B. New dissolved reactive phosphorus (DRP) (A) and (B) total P (TP) losses according to the month of application. Means  $\pm$  SE are for each month. Different upper-case letters indicate that means were significantly different according to analysis of variance (ANOVA) performed on the lognormal scale. Osterholz et al.

**Response:** This comment will be provided to ODA for consideration. Analysis of nutrient reduction and sources is beyond the scope of this report.

D. Continue to embrace innovative solutions and research: The bright spot of the past years' work is the products from the Ohio Sea Grant and Stone Lab in conjunction with many partners from institutions of higher learning, especially the University of Toledo's Lake Erie Research Center. The innovative researchers and the projects funded through them have demonstrated their value. Continued and enhanced funding for these projects will amplify their impact. I wish to credit Dr. Chris Winslow and Dr. Tom Bridgeman for forging and developing partnerships with all who seek an expedited shift towards a clean Lake Erie.

**Response:** We agree that Ohio Sea Grant and the Lake Erie Center have been valuable partners.

E. It is time to embrace innovative solutions: Addressing the problem at the source is a cornerstone of all environmental programs. Also, one solution set cannot meet all of Ohio's nutrient and environmental challenges and peculiarities encountered in many different-sized and types of nutrient producers. Therefore, seeing an item for source reduction in the 2025-2027 Goals is encouraging. A program that allows producers to convert the liquid manure into a solid and less HAB consumable form is sorely needed. An option, not a requirement, could alleviate cumbersome grower provisions and benefit the producer, grower, and the environment. The University of Toledo College of Engineering, Department of Environmental and Civil Engineering, has conceptualized options to convert liquid manure into a dry fertilizer, suitable for larger producers. This out-of-the-box thinking is necessary to achieve our goals.

**Response:** Converting liquid manure into a usable product remains a topic of interest, although it has so far proven very difficult for this process to match the low expense of direct field application. Your comment will be shared with ODA for further consideration.

F. Incorporate the Ohio State University science-based nutrient levels into the catalogue of BMPs: A long-term effort to lower the legacy nutrient level is to apply the Tri-State Fertilizer Recommendations for Corn, Soybeans, Wheat, and Alfalfa for the Maumee River Watershed as a uniform limitation or as an additive BMP measure. This uncomplicated, common-sense nutrient limit, created by experts in the field, is an example of a comprehensive reform of the reduction plan that will make attaining the clean water target less subjective and easier to understand and follow.

**Response:** Compliance with this standard is currently a requirement of the soil testing/voluntary nutrient management plan BMP under H2Ohio.

G. There is a need to build partnerships and instill confidence in agency decision-making by an upgraded public participation program: Providing input into the decision-making process should establish an environmental and economic balance. The opportunity to provide input into policy decision-making should be done with input from all stakeholders. In other words, the public's business should be conducted in public. Input to commissions, panels, and committees is through the public comment period, where the proposals are already in print. Unfortunately, vetting the ideas is done away from the public's point of view. Please consider altering the current "review what we decide" process with a "let's develop a solution together" process.

**Response:** OLEC will strive for a longer public comment period in the future.

H. To ensure scarce funds are being used to the utmost, it is essential to perform a more inclusive cost-benefit analysis: The current outdated cost-benefit analysis to determine good BMP projects in the Domestic Action Plan (DAP) should be amended to include the total costs and benefits of measures, including the loss of the ability to use resources and economic damages due to environmental degradation. Due to the impact of HAB, many persons have been denied the enjoyment of using their home waterfront for recreational purposes, the fishing industry has been impacted, and the good name of downstream communities has been affected. All of which have an economic impact. A socio-economic impact analysis (a standard environmental-economic evaluation tool) of the nutrient management mitigation measures should provide a better picture of the actual effects of the measures.

**Response:** OLEC's projects under H2Ohio have been focused on improving information that could be used to update the cost efficiency analysis. The current project with The Nature Conservancy and LimnoTech exploring field scale models for ODA's use with MyFarms should help provide additional improved information that could be used for such a project. Should this analysis be updated, the use of a socio-economic impact analysis could be considered.

I. In order to make cost-effective decisions, obtaining more reliable data and avoiding inaccurate markers is essential. The papers by Muenich et al. and Oats et al. demonstrate Lake Erie and other decision-makers' gross lack of information to forge cost-effective and workable mitigation measures. The lack of data in agriculturally sensitive areas is akin to trying to find a location without a map. Livestock data that goes beyond animal inventories and includes data on overall system management, waste handling, and animal feed is needed to make reasonably informed mitigation decisions. In the MRW, spatially resolved data detailing the location of manure use is critical to developing HUC-12 load targets. The 2023 DAP in Tables A5-18, found on Pages 41-51, makes a valiant effort to categorize nutrient loads. However, subjective BMP enrollment participation in the BMPs found on page 54 of the 2023 Ohio DAP creates little confidence in the program's success. The estimated enrollment rate to attain the TMDL target is over 77%. That

estimate does not factor into the 77% target, the location, and the degree of enrollment of the producer/user. As the saying goes, "...it's location, location, location."

**Response:** This degree of specificity is outside of the scope of this Plan, however, it is hoped that ODA's continued use of the MyFarms platform will improve the state's ability to create more accurate estimates of program usage and source load reductions in future planning and reports. Ohio's commitment to consider project prioritization was included in the [Ohio Domestic Action Plan 2023](#). The [H2Ohio Annual Reports](#) also indicate that Northwest Ohio has been prioritized for nutrient reduction actions under that funding source.

Once again, thank you for allowing me to comment on the 2025 draft Lake Erie Protection & Restoration Plan, a comprehensive strategy to preserve Lake Erie's water quality and ecological balance. I want to take a moment to acknowledge and appreciate the indispensable work and activities of the Commission. Your efforts are not just crucial, but integral to the legacy of clean water that current and future generations should be able to enjoy. The heavy burden that rests upon you to coordinate Governor DeWine's programs, overseeing the Great Lakes Water Quality Agreement, the Domestic Action Plan, and respective program funding, is a testament to your dedication and value to this cause.

Peter Hess P.E., BCEE, QEP

Member of the Lake Erie Waterkeeper Board of Directors

Citations in Mr. Hess's comments

i H2Ohio Wetland Monitoring Program 2023 Annual Report, Volume 1 Executive Summary, Program Level Results, Focal Project Results, March 2024. Page 6 of 201.

ii Kamrath, Brock, Yuan, Yongping, Streamflow duration curve to explain nutrient export in Midwestern USA watershed: Implication for water quality achievements. J. Environmental Management 336 (2023) 117598. And

iii Hess, Peter, Understanding the Crucial Role of Temporal Factors in Western Lake Erie Basin Wetlands. When do Wetlands Act as Sinks or Sources? DOI: 10.13140/RG.2.2.31849.30567

iv Gatiboni, L., Shober, A.L., Fiorellino, N., Osmond, D. & Mosesso, L. R. (2025). Drawdown of soil phosphorus by crop removal: A meta-analysis of 56 fields with interrupted fertilization. Agricultural & Environmental Letters, 10,e70007.

v Osterholz, William, Simpson, Z., Williams, M., Shedekar V., Penn, C., King, K., New phosphorus losses via tile drainage depend on fertilizer form, placement, and timing. J. Environmental Management 24 Jan 2024. DOI 10.1002/jep2.20549.

vi Oats, Christopher, Fajardo, H., Grieger, K., Obenour, D., Muenich, R., Nelson, N., Effective Nutrient Management of Surface Waters in the United States Requires Expanded Water Quality Monitoring in Agricultural Sensitive Areas. Published as part of the American Chemical Society Environmental special issue 2024 Rising Stars in 2024, Nov 2024, Environmental Research. <https://doi.org/10.1021/acsenvironau.4c00060>.

vii Muenich, Rebecca Logsdon, Aryal, S., Ashworth, A., Bell, M., Boudreau, M., Cunningham, s., Flynn, K., Hamilton, K., Liu, T., Mashtare, M., Nelson, N., Rashid, B., Saha, A., Schaffer-Smith, D., Showalter, C., Tchamdja, A., Thompson, J. Gaps in U.S. Livestock Data are a Barrier to Effective Environmental and Disease Management. 2025 Environ Res. <https://doi.org/10.1088/1748-9326/adb050>.

Submittal 5: (Please excuse any formatting errors. The original PDF will also be included in the record.)

May 29, 2025

To: Mr. John Logue, Director & Ohio Lake Erie Commissioners.

From: Sandy Bihn, Lake Erie Waterkeeper

Re: Lake Erie Restoration and Protection Plan

Overall Comments:

A. The commission should establish a policy of at least 30 days for documents it receives public comments on. This plan was emailed May 13 for comments due May 26, Memorial Day.

**Response:** OLEC will strive for a longer public comment period in the future and has been able to accommodate a few additional days for this comment period when that request was submitted ahead of time. Additional comments may still be submitted, but it may not be feasible to incorporate into the report.

B. The Commission should lead in providing information on the largest sources of dissolved reactive phosphorus (DRP) in the Western Lake Erie Watershed followed by an annual statement of progress in DRP's reductions to reach the GLWQA 40% reduction goal.

**Response:** OLEC has produced the [Western Lake Erie Tributary Water Monitoring Summary](#) each year beginning in 2014. Progress on DRP reduction is calculated at the Annex 4 Subcommittee level to ensure that all participants are using consistent and up to date methodology. The [Annex 4 Subcommittee Adaptive Management Report \(2017-2021\)](#) provides a shared statement of progress as of 2021. Additional publications from Annex 4 will continue to provide a joint statement of progress in the future.

C. The Lake Erie Commission (LEC) gets funding from the sale of Lake Erie Lighthouse License Plates. Lighthouses are a tourist attraction and economic opportunity. LEC could hire an intern to help to establish communication between lighthouse owners/organizations and explore economic tourist opportunities through a coordinated Lake Erie Lighthouse network.

**Response:** A proposal for a lighthouse coordination project like this would be suitable for funding from the [Lake Erie Protection Fund Grant Program](#). An additional statement on the importance of lighthouses has been added to the plan.

D. The LEC plan does not include the current growing manure increase from the Schmucker/JBS operation which in 2023 was estimated at 150,0000 cattle per year. In mid-2024 both Ohio EPA and the Ohio Department of Agriculture issued violations for manure runoff, failing to have permits, storm water management, manure management and more. Since then, there have been no permits issued. In November 2024 two 500' barns were constructed without the required permits to install and in 2025 many cattle are in the barns without the required permits to operate. Ohio's allowing massive increases in manure and ongoing operations speaks to Ohio's commitment to meat and dairy and lack of commitment to Lake Erie.

**Response:** Both Ohio EPA and ODA continue to monitor and take steps under their authorities to respond to potential violations of Ohio's clean water laws. Details about specific livestock facilities are outside the scope of the plan.

E. As I read this plan, it would be far better to combine the accomplishments and goals rather than list them separately, which is confusing.

**Response:** For the next Plan, OLEC will consider your suggestion about formatting.

F. What is a huge mistake in this plan is a Lake Erie Drinking Water source assessment. Over ten million people drink Lake Erie water, not to have this listed, discussed, and prioritized, is a huge shortfall in this plan.

**Response:** OLEC acknowledges that the use of Lake Erie as a drinking water source is significant to the public. Source water protection intersects with multiple priority areas, and potentially with different priority areas depending on the intake. Source Water Assessment and Protection Plans are specific to each public drinking water intake on the U.S. side of the lake. Please see the [Source Water Assessment and Protection Program](#) for more information.

## Summary

In today's environment, plans need to be more strategic results cost benefit oriented. This plan is traditional and it should change to recognize fewer resources and capacity.

## PLAN Accomplishments and Comments

1. The plan says it will guide commission work, funding priorities and alignment between State Agencies and their specific Lake Erie initiatives. Yet there is no consolidation for the Lake Erie Domestic Action Plan, Lake Erie Collaborative update, Ohio Nutrient Mass Balance, H2Ohio, GLRI etc. but a list of projects with no context for DRP reductions, DRP large source targets, and increases in DRP.

2. Nutrient Pollution Reduction which lists the number and acres of wetlands (ODNR); Nutrient Management Plans, Edge of Field, BMP practices (ODA); and Nonpoint strategies, Stream Restoration, TMDL DAP, TAP projects.

This section fails to report the amount of nutrient reduction achieved through the listed projects. LEC needs to state the amount of phosphorus/nutrient reduction for the projects.

And there is nothing in this section that states that there has been a 40% reduction in applications of commercial fertilizer phosphorus offset by an 88% increase in animal units/manure from 2005-2017 (Ohio Department of Agriculture)

**Response (to #1 & 2):** This level of detail is beyond the scope of this Plan. Tracking and reporting of these factors is accomplished under the [Ohio Domestic Action Plan](#), [H2Ohio Annual Reports](#), [Maumee Watershed Nutrient TMDL biennial report](#), [NOAA's HAB Severity Index](#), and [H2Ohio Annual Reports](#).

3. Habitat and Species and Invasive Species should be combined, listed as all ODNR. In this section projects are listed but there is no statement of numbers of fish, the invasive carp status, or sea lamprey and the reintroduction of sturgeon in the Maumee and Cuyahoga. This information needs to be included.

**Response:** These two topic areas are separated in the plan in order to align with the organization of the federal Lake Erie Lakewide Management and Action Plan for better state and federal coordination. ODNR provided some fish species and numbers; numbers were not available on all species. Information on ODNR’s accomplishments with the lake sturgeon reintroductions will be added, as well as a goal for the 2025 & 2026 phases of the program.

#### 4. Dredged Management

This section should include dredged areas and policies on dredging.

**Response:** The U.S. Army Corps of Engineers maintains federal channels and harbors maps. [Ohio’s Dredge Material Program](#), which includes a general map, focuses on beneficial reuse and alternatives to open lake dumping, such as investing in facilities to sort and dewater dredge material. in facilities to sort and dewater dredge material.

#### 5. Areas of Concern

Black should say Black River AOC. BUI’s should be spelled out and explained. The results of the PFAS sampling should be included. Also, the Maumee AOC should include phosphorus reduction and part of the Maumee AOC.

**Response:** The Black River AOC reference will be corrected. Acronyms such as “BUI”’s will be spelled out, and a list of acronyms is included at the end of the Plan.

Ohio EPA is leading the PFAS sampling and will share any reports when available. The Maumee AOC is a small percent of the area within the Maumee Watershed or Western Lake Erie Basin, and the AOC program only addresses phosphorus in a small way through stream, ditch, and habitat restoration projects. The AOC program does not have programs, such as BMP programs for private lands, that are implemented by other agencies. The AOC program staff works closely with the state agencies implementing other programs such as H2Ohio to help identify projects with potential co-benefits.

#### 6. Toxic Pollutants

Road salt is listed as a pollutant to be address but nonpoint phosphorus agricultural runoff – commercial fertilizer and manure phosphorus should also be listed and explained.,

**Response:** Under the existing definition of Toxic Pollutants, nutrients are not considered to be in this category. Please note that nutrients/nonpoint sources are a significant standalone Priority Area.

#### 7. Tourism Jobs and Economy

Just listing the Toledo Lucas County Port Authority and not getting stats from Lake Erie Shores and Islands is a miss here. Along with Lake Erie Lighthouse stats and information and opportunities.

**Response:** This Plan is focused on state efforts grounded in multiple data sources, and given the high level nature of the Plan, not all data sources are referenced. Page 17 includes data from a Lake Erie Shores and Islands study, surveys from ODNR, and the Ohio Maritime Strategy. Statistics from stakeholders are sometimes presented in our [Lake Erie Quality Index](#). OLEC may consider including these additional sources of information for the next LEQI.

8. Water Withdrawals Lacks Specifics and statement of what is required of Ohio in the Great Lakes Compact

**Response:** The Plan does not include this level of water withdrawal detail. The Plan is simply identifying Water Withdrawals as a Priority Area. Please see the [Great Lakes Compact](#) resources at ODNR for more information on this important topic.

9. Beach and Recreational Use Lacks specific data outcomes from projects

**Response:** Your comment is noted. Please see the [Lake Erie Quality Index](#) for more details about data outcomes for this topic.

Ohio Lake Erie Priorities

10. Nutrient Pollution Reduction: This section totally fails to target where the largest DRP runoff sources are coming from and how much DRP runoff is reduced, Measuring HABS is not nutrient reduction. And there is no statement here about the massive cattle/manure addition in the Maumee Western Lake Erie basin. This information must be included in these priorities to address.

**Response:** This level of detail about nutrients is beyond the scope of this Plan. Planning for these factors is accomplished under the purview of the [Ohio Domestic Action Plan](#), [H2Ohio](#), [Maumee Watershed Nutrient TMDL](#), and [Annex 4 of the Great Lakes Water Quality Agreement](#).

## GOALS

Goals like continuation, track, monitor, technology, NMP's, wastewater is very generic. There needs to be targeted numbers and accountability. With far less money return on investment measured by DRP reduction and 40% reduction goal must be stated and tracked. The increasing manure runoff problem needs to be listed here.

**Response:** This level of detail about nutrient goals is beyond the scope of this Plan.

11. Habitat and Species – Invasive Species Projects are not strategically determined for a desired outcome. Find the land, do the project rather than determine where the investment yields the best outcomes for habitat and species. Again, put the habitat and invasives together for clarity.

**Response:** Strategic responses to specific species and target areas are included in more detailed planning documents for management of affected areas. In this Plan, Habitat and Species and Invasive Species are identified as goals for the protection and restoration of Lake Erie. These two topic areas are separated here in order to align with the organization of the federal [Lake Erie Lakewide Management and Action Plan](#) for better state and federal coordination.

12. Dredge Material Management and Maritime Infrastructure

Reevaluate if open lake dumping should once again be allowed. The theory that opens lake dumping contributes to harmful algae blooms has been debunked. The Toledo Harbor dredger is because the waters are too shallow for shipping. There should also be a reassessment of the sediments from the Detroit River contribution.

**Response:** Ohio had multiple reasons for prohibiting open lake dumping of dredge materials, not just concerns about the potential for exacerbating the harmful algae blooms. Your comment will be shared with Ohio EPA.

13. Areas of Concern the Maumee Area of Concern needs to add nutrient/phosphorus reduction. There needs to be improved communication in Ottawa and lower Maumee remedial design etc.

**Response:** The Maumee AOC is a small portion within the Maumee Watershed or Western Lake Erie Basin. The AOC program can address phosphorus in a small way through the stream, ditch, and habitat restoration projects, but the AOC program does not have programs, such as BMP programs for private lands, that other agencies implement. The AOC program works closely with other agencies implementing programs like H2Ohio to help identify potential co-benefit projects.

#### 14. Toxic Pollutants

This should include an assessment of manure runoff pathogens, antibiotics, and heavy metals. There needs to be a better explanation of chloride reduction grants

**Response:** This comment will be provided to ODA and Ohio EPA for consideration. More information about the chloride reduction grants can be found on the [H2Ohio Rivers Road Salt page](#). Additional text was added to page 16 stating that protecting fish and bugs in the stream from impacts of chlorides is important for freshwater systems.

Submittal 6: (Please excuse any formatting errors. The original PDF will also be included in the record.)

Thank you for the opportunity to comment on Ohio's proposed Lake Erie Protection & Restoration Plan ("the Plan"). We appreciate your commitment to reducing nutrient pollution and improving water quality in Lake Erie through nutrient reduction in the Ohio Lake Erie basin/Maumee River watershed. Unfortunately, the Plan falls far short of what is needed "to protect the quality of Lake Erie's waters and ecosystem." Plan at 2.

DRP is ignored. The Plan is unlikely to be effective because it fails to focus nutrient reduction efforts on reducing the amount of dissolved reactive phosphorus ("DRP") that reaches Lake Erie. Great Lakes scientists and government officials at the federal, regional, and state levels have all identified DRP as the major driver of harmful algal outbreaks in Lake Erie because it is the form of phosphorus that is bioavailable. Failure to target the sources of DRP and the strategies that will reduce it will not achieve your objective of improved water quality in Lake Erie. For more information, please see our attached comments to the Maumee TMDL (Ex. A).

**Response:** Analysis of nutrient reduction and sources is beyond the scope of this report. More detailed information on nutrient reduction efforts can be found in the [Ohio Domestic Action Plan](#), [H2Ohio Annual Reports](#), [Maumee Watershed Nutrient TMDL biennial report](#), and the [Annex 4 Subcommittee Adaptive Management Report \(2017-2021\)](#). The Maumee Watershed Nutrient TMDL response to comments includes a detailed examination of DRP.

Industrial livestock is ignored. The Plan also fails to include regulatory requirements for an entire category of point source polluters in the Lake Erie watershed: concentrated feeding operations ("CAFOs"). CAFOs that apply liquid waste to tile-drained agricultural fields are point sources under the Clean Water Act, and the state's own documents show that some CAFOs in the watershed have been caught discharging pollution in violation of state law. The Plan does not address these pollution sources at all, even though the state recognizes that 92% of total phosphorus loading to the Maumee River basin comes from agriculture. Maumee TMDL at 24. A

plan that simply ignores a primary source of pollution is unlikely to result in positive changes. For more information, please see Ex. A.

**Response:** This comment will be provided to ODA and Ohio EPA for consideration.

**Over-reliance on H2Ohio.** The Plan references H2Ohio 16 times and touts the program's ability to implement agricultural best management practices ("BMPs"). First off, it is not clear that any of the BMPs implemented with H2Ohio funding have actually reduced pollution to Lake Erie, because it does not appear that H2Ohio actually tracks that information. For a funding program like H2Ohio to be effective, it needs to: (1) track nutrient reduction efforts throughout the watershed; (2) target funding to those practices and those areas in the watershed where nutrient pollution reduction can be achieved most efficiently with the greatest benefit to Lake Erie; and (3) track actual water quality outcomes. H2Ohio's measure of success appears to be the number of acres enrolled in the program, but that metric has not been proven to have any correlation with actual water quality improvement. If the state is not tracking the effectiveness of these BMPs, there is no way of knowing whether the program is working.

**Response:** Please see the [H2Ohio phosphorus reduction tracker](#) for more information about estimated source reductions from H2Ohio agricultural BMPs. The purpose of the LEARN wetland monitoring program is to provide ODNR with science and data to determine the best locations and designs to restore and build wetlands as discussed in the [H2Ohio Annual Reports](#) (e.g., see page 20 of the 2024 H2Ohio Annual Report). Tracking for the environmental response is via the [Western Lake Erie Tributary Water Monitoring Summary](#) and the [Annex 4 Subcommittee Adaptive Management Report \(2017-2021\)](#).

On top of that, the Plan fails to address the very real possibility that H2Ohio may soon be gutted. See Ohio House budget threatens H2Ohio efforts - Brownfield Ag News, dated May 19, 2025 ("A state legislator says the budget recently passed by the Ohio House of Representatives would cut more than \$120 million to the H2Ohio program if adopted.") In short, the Plan's reliance on H2Ohio is misplaced and potentially short-sighted.

**Response:** On page 12, the Plan recommends maintaining investments for resource protection and protection through state programs of the Clean Ohio Fund, Water Resource Restoration Sponsor program, H2Ohio, and other state funding mechanisms. The plan does not outline a budget for any of the goals outlined in the plan. The state budget process is a separate process that is not complete for the upcoming biennium at this time.

Respectfully submitted,

/s/ Kathleen Garvey Staff Attorney, Environmental Law & Policy Center

Submittal 7: (Please excuse any formatting errors. The original PDF will also be included in the record.)

Dear Director Mulinex,

I am writing in response to the request for public comments on the Lake Erie Protection & Restoration Plan (LEPR) for Fiscal Year 2025. As the Director of Water Quality Planning for the

Toledo Metropolitan Area Council of Governments (TMACOG), I appreciate the opportunity to review and provide input on plans that drive the restoration and protection of Lake Erie. The following pages draw from TMACOG's water quality policy priorities detailed in the 2025-2026 Agenda for Lake Erie.

The LEPR has significant implications for deciding which projects will be implemented and actions that will be taken to protect and restore Lake Erie and its tributaries. The Ohio Lake Erie Commission, whose members represent state agencies and watershed partners, has an important role in setting the goals and priorities of the LEPR.

TMACOG appreciates the work of the Commission and its dedicated staff. We look forward to working together to make meaningful progress in addressing the many issues impacting Lake Erie. Please feel free to reach out if you would like to discuss further.

Sincerely,

Kari Gerwin Director of Water Quality Planning

#### LAKE ERIE PROTECTION AND RESTORATION PLAN – FISCAL YEAR 2025

#### COMMENTS SUBMITTED ON BEHALF OF THE TOLEDO METROPOLITAN AREA COUNCIL OF GOVERNMENTS

##### Overview

According to Section 1506-23 of the Ohio Revised Code, "...the [Ohio Lake Erie] commission shall publish a **Lake Erie protection and restoration strategy** that describes **the goals of the commission** and **prioritizes the uses of the Lake Erie protection fund and other funds** for the following state fiscal year." (emphasis added)

The following comments will focus on the goals of the Ohio Lake Erie Commission, the protection and restoration strategy for Lake Erie, and the Commission's priorities. Because nutrient pollution is a top priority for TMACOG, the following comments will focus on the Nutrient Pollution Reduction priorities of the Lake Erie Protection and Restoration Plan.

##### The Goals of the Commission

The Lake Erie Restoration and Protection Plan (LEPR) page 2 ("About the Ohio Lake Erie Commission") states that –

"The Ohio Lake Erie Commission is a state body dedicated to preserving Lake Erie's natural resources. It brings together the **directors of six key state agencies, five Commissioners from the Lake Erie community, and two appointments from the Great Lakes Protection Fund.** The Commission works to protect the quality of Lake Erie's waters and ecosystem. It also promotes the regions economic development by ensuring coordination among state government policies and programs related to water quality, toxic substances, and coastal resource management. **The Commission plays a pivotal role in coordinating policies and programs that safeguard the Lake Erie watershed in Ohio.**" (emphasis added)

The introduction then goes on to list the "Current Activities" of the Commission. As noted above, ORC 1506-23 states that the biennial LEPR must include the goals of the Commission. However, the Commission goals are not stated within the LEPR. A list of the current work is, no substitute for a formal statement of the Commission's goals as they relate to the restoration and protection of Lake Erie. Commission members, specifically directors of the six state agencies,

are in unique positions to set and fulfill the goals of the Ohio Lake Erie Commission through their respective state budgets, programs, and permits.

#### Recommendations

- TMACOG urges the members of the Commission to set overarching goals that will guide the priorities of the Lake Erie Protection and Restoration Plan. The Commission's goals should not only direct funding for the Lake Erie Protection Fund and other state funds, but they should also be developed to consolidate necessary agency action into a single statewide strategy.

**Response:** The Plan organizes and highlights goals and strategies by Priority Area. OLEC is included in the relevant Priority Areas in the Plan, and the Plan has been updated on Page 2 & 20 to better identify OLEC's primary activities. Note that although OLEC has the authority to bring together the agencies and coordinate among them, the Commission is not granted the authority to direct the agencies themselves.

#### Protection and Restoration Strategy

The LEPR addresses the ORC's requirement for a "Lake Erie protection and restoration strategy" by listing the previous year's accomplishments, priority areas for funding, and the approach to implementing the LEPR, which are discussed below.

#### Accomplishments & Progress

TMACOG commends state agencies and partners across the Lake Erie basin for an impressive list of accomplishments and progress that has been made in project implementation. This is a testament to the power of collaboration and shows what can be accomplished with directed funding.

While these activities address a portion of the nutrients in the watershed and may offer additional water quality, flood retention, and habitat benefits, they do not reduce nutrients at their source, specifically nutrients generated by the animal production industry. Additionally, these programs and practices do not strategically target funds to reduce areas, practices, and industries with high nutrient loads. Rather, they are broadly applied across the watershed or where opportunities and partnerships exist. This is not an effective use of limited tax dollars and will not be effective in meeting the Annex 4 40% phosphorus reduction goals for Lake Erie. Despite the good work that has been done, the LEPR falls short of offering an implementable strategy to restore and protect Lake Erie.

#### Recommendations -

- The LEPR should acknowledge and address the limitations of voluntary incentive programs and wetland development to address Lake Erie's most persistent water quality issue – nutrient pollution and the resulting harmful algal blooms (HABs.)

**Response:** Your comments are noted and will be shared with ODA and Ohio EPA. More detailed information on nutrient reduction efforts and measures can be found in the [Ohio Domestic Action Plan](#), [H2Ohio Annual Reports](#), [Maumee Watershed Nutrient TMDL biennial report](#) and the [Annex 4 Subcommittee Adaptive Management Report \(2017-2021\)](#).

- The LEPR should also acknowledge that greater nutrient reductions will be achieved when implementation efforts are targeted at areas, practices, and industries with the highest nutrient loads.

**Response:** Ohio's commitment to consider project prioritization was included in the [Ohio Domestic Action Plan 2023](#). Some of this work has started as part of ODA's [Phosphorus Removal Structures Program](#). The phosphorus removal structures require a combination of factors that includes high phosphorus loss fields. Early estimates from ODA indicate that 97% of farm fields in the Maumee River Watershed (14 counties) have low to moderate phosphorus levels. Only 3% of fields have high phosphorus levels, but produce 13% of the runoff.

#### Ohio Lake Erie Priorities 2025 – 2027

Each of the objectives listed are intended to “continue” or “maintain” the status quo of the statewide voluntary programs. While these are worthwhile programs, these programs alone will not be sufficient to meet nutrient reduction goals. The most significant gap is in the lack of programs and policies to address the nutrients due to manure. The animal production industry is rapidly expanding across the upper reaches of the western Lake Erie basin. Over the past year, State agencies have responded to dozens of complaints in the WLEB regarding manure stockpiles and runoff into area waterways. However, nutrient- and bacteria-rich manure continues to enter waterways unabated across the watershed. Clearly, the current regulatory and enforcement programs do not adequately prevent the nutrient pollution generated by the animal production industry. Addressing manure pollution must be a priority of the Commission, yet the LEPR does not mention manure even once within its priorities, goals or accomplishments.

#### Recommendations

- The Commission's mission statement (p. 2) includes “...ensuring coordination among state government policies and programs related to water quality, toxic substances, and coastal resource management.” The ORC also allows the Ohio Lake Erie Commission to use funds to focus on “Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, institutions of higher education, agriculture, environmental organizations, and conservation groups within the Lake Erie basin.” Using this authority, we ask that the Commission coordinate state agencies, stakeholders, and legislators to set meaningful and implementable priorities to address manure nutrients within the LEPR. To be effective, nutrient reduction priorities should include the following –
  - o Determining nutrient contributions from manure sources in the WLEB
  - o Determining if current animal permitting programs are sufficient to meet the requirements of Clean Water Act and support the nutrient reduction goals of the GLWQA Annex 4 and the Maumee Nutrient TMDL
  - o Strengthening manure management regulations and enforcement
  - o Improving manure tracking and quantification
  - o Incentivizing manure treatment technologies and manure BMPs
  - o Targeting nutrient reduction funding at areas with high phosphorus loads

**Response:** Your comments are noted and will be provided to ODA and Ohio EPA. Analysis of nutrient reduction and sources is beyond the scope of this report. More detailed information on nutrient reduction efforts and measures can be found in the [Ohio Domestic Action Plan](#), [H2Ohio Annual Reports](#), [Maumee Watershed Nutrient TMDL biennial report](#) and the [Annex 4 Subcommittee Adaptive Management Report \(2017-2021\)](#).

## Conclusion

The LEPR plays an important role in directing funding to protect and restore Lake Erie. The Ohio Lake Erie Commission is central in setting the state's priorities for this important work. While state and federal funding is critical to addressing issues like nutrient pollution, commitment and coordination among state agencies is necessary to address the policy gaps that prevent meaningful progress in meeting nutrient reduction goals. The Commission should call upon the expertise and authority of the state agencies to provide a roadmap for reducing nutrient pollution in Lake Erie.

**Response:** OLEC is the state coordinating body for both the Ohio Domestic Action Plan and H2Ohio, and staff also participated in the development of the Maumee Watershed Nutrient TMDL and are participating in ODA's Phosphorus Advisory Group formed to deliver the Phosphorus Removal Structures Program. In addition, Commission staff coordinate with federal partners under Annex 2 and Annex 4 of the Great Lakes Water Quality Agreement, covering lakewide management and nutrients, respectively. Development and management of this spectrum of plans and tracking has been and will continue to be closely coordinated across the agencies of the Commission.